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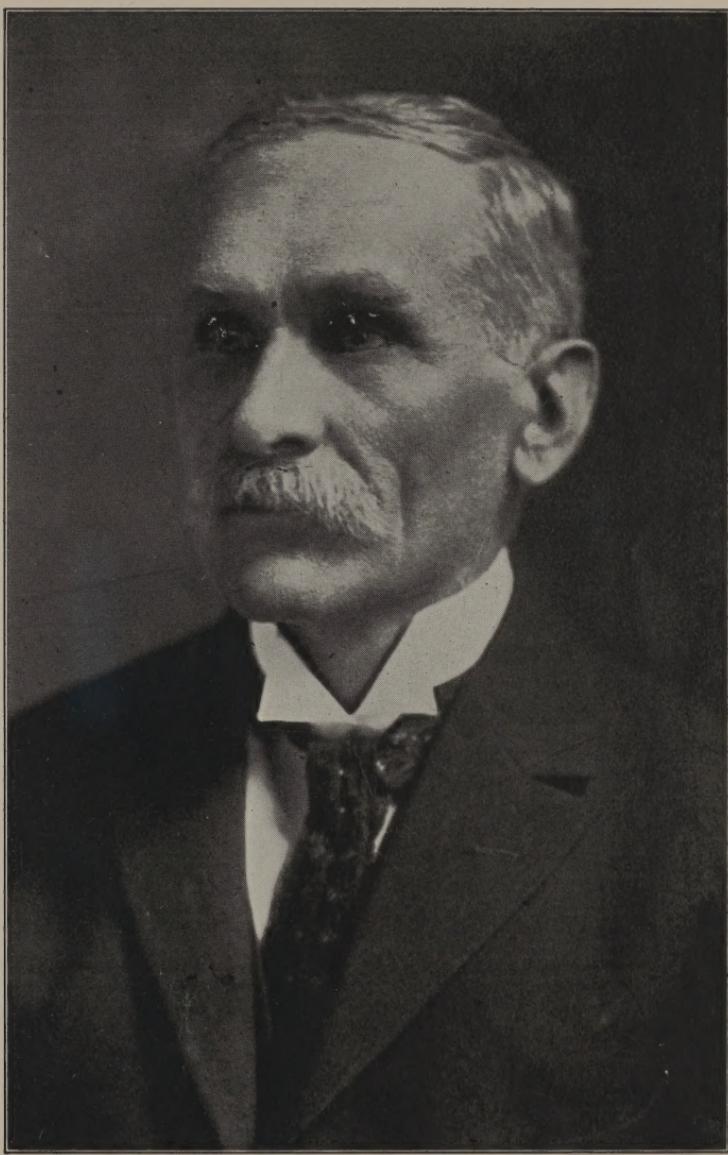
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ALBERT H. BELL

MEMOIRS
of
THE BENCH AND BAR
of
Westmoreland County,
Pennsylvania

By
ALBERT H. BELL, Esq.,
of
The Westmoreland Bar

DEDICATION

To the Honorable James S. Moorhead, whose great ability, profound learning, high ideals and engaging personality have long made him a distinguished ornament to the Westmoreland Bar, a worthy exemplar to its members and the object of their high regard,

and

To the Honorable John B. Head, late an honored Judge of the Superior Court of Pennsylvania, to whom like attributes are ascribed and like tribute is due; to these joint preceptors, their law student of the long ago, the author of these memoirs, in token of his obligation and affection, ventures to dedicate this volume.

PREFACE

These Memoirs had their origin in the request of Mr. E. Arthur Sweeny, editor of the "Morning Review", of Greensburg, to the writer to prepare some character sketches of the deceased members of the Bench and Bar of Westmoreland County, the serial publication of which was to become a feature of that enterprising journal. They soon passed the stage of experiment, and the conception of fragmentary history, and, in some degree, have become comprehensive of more than a century of the legal annals of the county.

Various considerations led to the enlargement of the original plan. The Memoirs as they appeared were accorded a kindly reception and dignified with an interest by the reading public out of proportion, indeed, to the merit of the narratives, but evincing a desire to have them continued. As the series lengthened, and the writer delved more deeply into the annals of the past, his own interest became deeply enlisted and his pride in the fame of his deceased brethren constrained him to seek to perpetuate it while it was capable of being rescued from the memories of men fast passing away. The American people have been too busy making history to record it. This statement carries both commendation and reproach. It is well worth while to be able to *do*. It is as much posterity's rightful heritage to *know* of the individuals who wrought, and how they wrought, as it is to enjoy the fruits of their labors.

In the preparation of these Memoirs it has been the constant effort of the author to portray the in-

dividuality of the subject attempted to be sketched. There is a common sameness in all men which enables them to classify in the *Genus Homo*. There is some tendency in the individual to be imitative. It is not the creative design to cast men in a common mould. The Divine Architect is independent of models, without limitation in endowments. He imparts to each individual some attributes common to all, some peculiar to himself. It is the latter that distinguishes his personality and excites the inquiry, "what manner of man is this"? To reproduce the individual as nature endowed him, as environment and education shaped him, has been the purpose of the writer.

The author freely and gratefully acknowledges his indebtedness to "The History of Westmoreland County", by G. Dallas Albert, Esq., "Old and New Westmoreland" by John N. Boucher, Esq., to James Gregg, Esq., of the Westmoreland Bar, Albert B. Weimer, Esq., of the Philadelphia Bar, and to others for assistance derived in the preparation of these memoirs.

ALBERT H. BELL.

Greensburg, Pa., March, 1924.

THE LAW

In attempting to present to the reading public of the present generation brief sketches of the professional, social and moral activities of certain prominent members of the legal profession of Westmoreland County who have passed away, it seems helpful to translate ourselves, as nearly as may be, into the environment, to envelop ourselves in the atmosphere, to occupy our minds with the problems and to relate ourselves to the facilities of these worthies who wrought in their day and generation. It is undeniable that, to some extent, we are the creatures of environment. It is equally true that the measure of our attainment takes its proportion from the nature, the variety and the complexity of the problems with which we deal, while the sum of our labors, the ease and comfort with which they are performed and the efficiency attained depend, in measure, upon the facilities at our hand.

Tradition is the mouthpiece of fame. The panorama that the eye cannot see, the voices that the ear cannot hear by reason of the lapse of time, history must present to the mental vision if we would envisage the past. It links up the ages and enables us to measure the progress of civilization.

The traditions that come down to us tell us that the lawyers of the old bar were men of great ability and some of them of great learning. We can well believe this, while we may not concede that they had the wide range of the jurisprudence of the present day. They were educated in the principles of the Common law. It was then and is now the wisdom of

the ages of legal learning. Its maxims and principles had been wrought out in the travail of painstaking study, had been submitted to the test of the keenest reasoning and their application had been sanctioned by the approval of generations of men whose lives and fortunes these principles had conserved.

It may be conceded that the Common law contained the germs of all of our modern jurisprudence, but it required the multiplying wants, the exigencies, the evolution of the complex civilization of the present day to develop those germs into a body of law and a system of administration adequate to the wants of the present age.

The Common law, it is true, dealt with the subject of Contracts, their elements and interpretation but the contracts were of the simplest kind and largely between the party of the first part and the second part, while the contracts that regulate our present day economic and commercial life frequently have parties of the fourth, fifth and sixth parts, each of whose equities and rights require adjudication. The individual, as the exigencies of his business require, deals with his sovereign, the state, corporations become the grantees of the sovereign powers of the State, and states contract with each other.

Text writers of the Common Law were so little concerned with the rights, powers and duties of corporations that they confined themselves to a brief discussion of their elementary principles and dismissed the subject with a single chapter. Today heavy tomes are written by able lawyers elaborating the functions and powers of corporations, and much of the energy of the present day lawyer is expended in the assertion

of corporate rights and the defense of corporate powers.

It took many years of development of the common law to evolve a separate jurisdiction of equity as administered by the English Court of Chancery. Subjects of equitable jurisdiction for many years remained few, but so extensive has the subject of equity jurisprudence become in our day that, expanding with the expansion of business requiring equitable remedies, the dockets of the courts are crowded with complaints demanding equitable relief.

The common law was sage and learned on the subject of titles to landed estates. Such, indeed, was the exhaustive treatment given to every species of land tenure from the estate at will to the estate in fee simple that the tenure to land may be said to have been the chief object of solicitude of the common law. Contingent and vested remainders; executory devises; estates upon condition and estates-tail received such a wealth of treatment as was only exceeded by the dryness of the subject. But at the present day when land titles have become settled and stable and the action of ejectment has become so infrequent that its appearance on the trial list arouses mild curiosity in every one except the lawyer who has to try it, lawyers find their theater of activity staged with other scenes than a fit setting for the exploitation of land tenures.

The purpose of these observations is to illustrate the contrast between the departed lawyer and his work of the past century, and the lawyer of today. They were good lawyers in the legal controversies which engaged their attention. In that day, there were many unsettled land titles in the county. One man held the

legal title, the warrant of survey or the patent, another claimed the land or a portion of it by improvement right or squatter sovereignty. Our early Supreme Court reports are full of cases adjudicating these controversies and they occupied the attention of the old bar. In the earlier days of the century before entailment was abolished by statute, the free transmission of land was obstructed by estates-tail created by deed or will. Such contentions called into exercise the learning of the common law and directed our predecessor lawyers to the study of Fearne on Contingent Remainders, Coke on Littleton, Bacon's Abridgement of the Common Law, and kindred treatises.

The body of the statute law seventy or eighty years ago was small compared with the countless acts of Assembly with which the present day lawyer seeks to acquire a working knowledge by wading through six volumes of Purdon's or a like content in Pepper & Lewis' Digests. There was one advantage, however, that the old lawyer had over the present practitioner; his Acts of Assembly were brief, not over two or three pages in length; ours are voluminous, a single act sometimes covers 40 or more pages on a single subject. Theirs were written in logical sequence and progressed to a point. Ours are encumbered by attempts at definition and interpretation of terms, obscured by recitals of previous acts supplemented or amended, side-tracked with explanations and negatives until the thread we seek to follow is lost in the mazes of a labyrinth. It is true that prior to the Constitution of 1874, requiring an Act of Assembly to deal with a single subject to be clearly stated in the title,

a single act might be an omnibus bill, embracing subjects all the way from the discharge of insolvent debtors to appointment of a guardian.

Yet the subject of inquiry when once dug up was couched in direct, sequential phraseology, capable of ready interpretation.

But while the old lawyer was less troubled than we in determining what the statute law was, he was troubled in determining how many of the British statutes, that were a part of our English legal heritage, were in force in Pennsylvania. He might easily determine what was the content of his Purdon's Digest but he must also consult its companion volume, Robert's Digest of the British Statutes, if he would know the statute law in force. Many of these British statutes have since been in whole or part enacted by the Legislature, and thereby have been made readily accessible without the necessity of determining their application by reference to the decisions of the courts.

It will appear from this hasty review that the lawyer who had reached the evening of his professional life in the middle seventies of the last century lived in a somewhat different mental atmosphere from the lawyer of today. His cases were of different kinds; his forms of action were the common law forms, more various and with more niceties and distinctions than ours, his habitual studies pursued different legal channels; the jurisdictions in which he practiced were the common law courts, while ours embrace these as well as public service commission, compensation, interstate commerce and other statutory jurisdictions (all with their separate rules of practice) created to redress wrongs and adjudicate the rights which were non-existent to the practitioner of fifty years ago.

ENVIRONMENT

The Westmoreland County lawyer of the middle of the last century lived and labored in a social and physical environment vastly different from that of to-day. His constituency was native born. He counselled his clients and talked to his neighbors and friends without an interpreter and in the English tongue. Even the gutteral German had softened into the Pennsylvania Dutch and the language of the occasional client of German lineage was understandable. The old lawyer knew his people. They were bone of his bone, flesh of his flesh. Their manners and customs, habits of thought, affections, temperament, religion and polities were as familiar to him as if they had been card-indexed. He knew without special study of the jury panel what kind of jurors they would make; whether they were bitter-enders or compromisers in a lawsuit; whether they ever split their ticket in politics; whether Wesley, Calvin, Luther, Zwingli, Swedenborg or the Holy Father formulated their articles of faith.

Today the corridors of the Court House bear semblance to the Tower of Babel. Its habitues, collectively, are cosmopolitan. The Ethnologist may write a competent text book upon his science on the steps of the Temple of Justice.

With these diverse races, kindreds and tongues the modern lawyer must deal in his daily practice. He gets his information, which is frequently misinformation, at second hand. He supplies the missing members and combines them into the body of his clients' narrative. He goes into Court, develops the testi-

mony to which, in his preparation for trial, he has applied the law, and frequently finds his facts misunderstood or changed, his theory overthrown and his client in the toils; not because either court or jury are prejudiced, not because the Goddess of Justice has weighted the scales or faltered in her steadiness, not because the law has a different measure of justice for the Alien, but because the Alien's limitations have withheld the full presentation of his case.

But not only has the population of the county vastly changed in its composition, but it has greatly increased in number. In 1840 the population was 42,699; in 1850 it was 51,726; it grew to 53,304 in 1860; to 58,690 in 1870, and to 78,121 in 1880. By the last census of 1920 the population was 273,568. In 1880 sixteen and one-half per cent lived in boroughs, 83½ per cent was rural. Greensburg, the county seat, in 1880 had 2,500 people; in the census of 1920, it had 15,033.

It will be seen that, in the past 40 years, the population has been rapidly changing from rural to urban, the urban having gone up from 16½ percent in 1880 to 49½ per cent in 1920.

In 1882 there were 37 attorneys in active practice at the bar. At the present time there are 173 in more or less active practice. The judiciary has grown from one to four judges; one in the Orphans' Court and three in the other courts.

The diversity of employments surrounding the lawyer of earlier times was likewise in marked contrast with the industrial life of the present day. His clientele was made up of the farmers, merchants and

lumbermen of an agricultural and woodland community. Smoking factories, coke ovens, mines and transportation systems were either non-existent or in their infancy. Water saw-mills and grist mills, the carding mill and small woolen factory were about the only industrial enterprises of our grandfathers' days, while transportation demands were limited to the merchandise required by an agricultural community and the crops and live stock it had for sale. Such administration of justice as would adjudicate the rights of men engaged in these simple lines of business and would settle their estates when dead, constituted the professional activities of the lawyer contemporary with that age.

But since that time Westmoreland county has become the largest soft coal producing county of the state, next largest in coke production, has extensive fields producing natural gas; has developed populous industrial centers engaged in the manufacture of iron, steel, aluminum, machinery, food and other products and has developed transportation systems for passenger and freight traffic that penetrate almost every portion of the county.

These diversified industries have multiplied the volume and variety of the legal business of the county, and the lawyer of today comes to the practice of his profession after serving a longer apprenticeship and pursuing a wider curriculum of study, to a daily task in which he meets many more people and faces many more problems than his brother lawyer of half a century ago.

FACILITIES

As the wants of human society multiply, the demand for the supply of these wants becomes insistent. The mechanic invents and the scientist discovers and combines, and, in their several fields create the facilities that supply the demands. Competition, over-production, new born wants stimulate research and invention which keep in hailing distance of demand and finally establish contact with it, and thus civilization makes progress. Maximum production at minimum cost combines the elements; this objective stimulates the quest and crowns the effort. In economic production, this means, among other things, the best adapted machinery, the taking up of waste power and the specialization of labor,—in a word, that combination of elements which, in the mechanical world, is called “Efficiency.”

In a greater or less degree efficiency is an indispensable element in every line of productive effort, professional as well as business. With the multiplied demands upon him, it is indispensable to the lawyer that he surround himself with the facilities that will conduce to the utmost efficiency in his work. It is, therefore, interesting to compare the facilities of the lawyer of half a century ago with those at the command of the lawyer of the present day.

Not least of these facilities wanting to the old time lawyer, possessed by the present day practitioner, is the means of communication. Fifty years ago the principal means of communication with clients in distant parts of the county was the mails. Many sec-

tions of the county were only served once in a week. Daily mails with rural delivery now reach every portion of the county, while the telephone and telegraph now put the lawyer in immediate touch with his client wherever located.

To call usually means to come. They formerly came on foot, on horseback and by wagon and buggy, over roads that hinted that the foundations of the great deep had broken up; now, these means of travel have become so archaic as to be exceptional and the client or witness is on hand by steam or street car, jitney line or automobile before the occasion becomes exigent.

To the old time lawyer whose professional engagements obliged him to "ride the circuit," the transportation problem meant a serious consideration. When Armstrong, Indiana and Westmoreland counties comprised the 10th judicial district, with only one president judge presiding in all three counties, it became necessary for the judge and the trial lawyers to go in cavalcade from county to county until the session of the court was ended. This experience of Foster, Cowan, Laird, Marchand and others of the old bar has no duplicate in our days.

Today the lawyer dictates his correspondence, petitions, bills in equity, briefs of argument, in short, about all his work, to his office stenographer who reproduces it in more or less good English, with more or less conformity to the rules of orthography and rhetoric. It at least possesses the merit of legibility to the client, and he knows what his lawyer is trying to say without being put to the necessity of having to

bring his letter back to his lawyer for translation, as tradition tells us became necessary with the handwriting of some of the most eminent members of the old bar. The present writer remembers of a perplexed client of Gen. H. D. Foster bringing his letter to translate the general's name signed thereto, which, translated, more nearly resembled "100 horses" than the General's name.

In contrasting the facilities of the old time with the present day lawyer, it is apposite to refer to the degree of professional training which each received. There were no law schools 60 years ago. The student entered the office of a practicing lawyer or judge and was assigned Blackstone's Commentaries, and possibly Coke on Littleton and Kent's Commentaries. Sometimes the student was classically prepared in college but it was not required under the old rules, and many came from the common schools with such knowledge of Latin as their environment afforded. Two years' study and the safe passage of the gauntlet of examination by a committee of lawyers, the judge sometimes present, furnished the credentials for admission to the bar. Two years' practice in the common pleas court admitted them, on motion, to the Supreme Court.

At the present time the law school course comprises Blackstone, contracts, negotiable instruments, torts, domestic relations, agency, real property, corporations, constitutional law, crimes, equity pleading and practice, common law pleading, common pleas practice and orphans' court, and our local rules prescribe a practically equivalent course.

Entry upon this course of study in the law school must be preceded by a college education. A student matriculating in a preceptor's office to accomplish his training cannot pass the preliminary examination without completing at least a high school course. Admission to the Appellate Courts can be attained only by successfully passing examination before the State Board of Law Examiners. It does not follow that the limited range of the old lawyer's study made him a poor lawyer any more than it follows that the present wide range of study makes every lawyer, so trained, a good lawyer.

There are other superior modern facilities of the present day, such as law libraries, giving us access to the English reports and the decisions of the Appellate Courts of all the states; better digests and indices for the preparation of briefs and advance reports that bring current decisions down to date.

But we have lingered long enough upon the shore making general observations; it is now time to embark and acquaint ourselves with the individual mariners.

JUDGE ALEXANDER ADDISON

Alexander Addison was born in Morayshire, Scotland, in 1758. He was educated at the University of Aberdeen, graduating with the degree of Master of Arts at the age of 19 years. He was admitted into the Presbyterian ministry by the Presbytery of Aberlowe in 1781. He emigrated to America in 1785 and presented his ministerial credentials to the Redstone Presbytery in Western Pennsylvania, but the presbytery withheld its license although it permitted him to exercise his gifts, supplying the Presbyterian Church of Washington, Pa. His anomalous relationship to the church dissatisfied him. He abandoned the ministry, entered as a law student in the office of David Reddick, Esq., and was admitted to the Washington bar in March, 1787.

Mr. Addison began the practice of the law in Washington where he resided, but like most Pennsylvania lawyers of the olden time he was an itinerant, practicing in Pittsburgh and elsewhere in the judicial district. When he began to practice the occupants of the bench were justices of the peace, unlearned in the law. They were men of standing, esteemed for their intelligence, judgment and good character and were appointed by the State Executive for a term of seven years. They presided over trials before juries, regulated the conduct of lawyers concerned, and while they could not function as judges to act as mouthpieces of the law they gave their opinions to the jury on the merits of the case as disclosed by the testimony. They had no jurisdiction of treason, murder, robbery, arson and other capital cases, the power to try which was

lodged in the judges of the Supreme Court under the Constitution of 1776.

The constitution adopted in 1790 provided a judicial system that required the president judge of each judicial district to be learned in the law. They were appointed by the Governor and their tenure was for life or good behavior. Westmoreland County was in the judicial district made up of Allegheny, Westmoreland, Fayette and Washington Counties, to which soon thereafter the Counties of Greene, Beaver, Butler and Armstrong were annexed, the whole constituting the 5th judicial district.

In 1791 Alexander Addison was appointed president judge of the 5th Judicial District and thus became Westmoreland county's first judge learned in the law. His jurisdiction covered the whole of Southwestern Pennsylvania. It devolved upon him to establish an orderly procedure under the new judicial system and regulate a practice which had been more or less go-as-you-please in courts hitherto presided over by justices of the peace.

Judge Addison came to the bench at a period that demanded a man of ability, learning and great courage. He had these qualities in marked degree, and was one of the most forceful men who have occupied this bench. The law was in its infancy. There were but few precedents to guide because but few cases had been decided by the State Supreme Court. There were but few acts of Assembly that had been passed on and these were to be construed by the lower court. The English system of land tenures was different from the land tenures of Pennsylvania, and the English reports were inadequate to furnish precedents that were au-

thoritative. In the absence of authorities that were in point reason, instructed by such knowledge of legal principles as was attainable, was the only available luminary to guide to a correct decision.

But the period covered by the 13 years of Judge Addison's service was the most stormy and turbulent in the history of the judicial district. His district was co-extensive with the territory affected by the "Whiskey Insurrection." Westmoreland, Allegheny, Washington and Fayette Counties were largely settled by Scotch-Irish farmers. They produced a large surplus quantity of grain for which, owing to the lack of transportation facilities, there was no market. There was a large demand for whiskey, not only local but by the Indians and other sections of the country. It became a medium of exchange with the local merchants for goods, with the Indians for peltry and with distant markets to which it could more easily be transported than the greater bulk in the form of grain, for money and other commodities. The industry had grown to large proportions, about every sixth farm being equipped with a still house. When, in 1790, the excise tax on whiskey was imposed by the Federal government to pay the Revolutionary War debt it created an insurrection in these counties that assumed the proportions of civil war. Bloodshed, arson, riot and resistance to the Federal revenue collectors ensued, and continued until a Federal army encamped in the disturbed territory and enforced pledges of obedience to the law. Judge Addison was fearless and relentless in the enforcement of the law to suppress and punish violence and stood almost alone among the public men of the

community in upholding the authority of the Federal government.

In 1802, John B. C. Lucas, a Frenchman born, and unlearned in the law, sat on the bench as an associate judge with Judge Addison. Addison was a Federalist in politics. Lucas was opposed to him in politics. He was boon companion with H. H. Brackenridge, a prominent lawyer of the district, who was hostile to Judge Addison. Lucas assumed that his office gave him the authority to charge the petit and grand juries. Being unlearned in the law and hostile to Judge Addison his harangues to the juries had little relation to the facts of the cases and no conformity to the law by which their deliberations were to be directed, and, moreover, were designed to exasperate Judge Addison upon whom as president of the court devolved the duty of instructing the jury. Judge Addison bore with it until his patience was exhausted, when he interposed and instructed the jury to pay no attention to the irrelevant vaporings of Lucas, and on one occasion when Lucas would not desist he ended the harangue by adjourning the court. Lucas, it was suspected at the instigation of Brackenridge, thereupon petitioned the House of Representatives of the Legislature, then sitting at Lancaster, to present to the Senate Articles of Impeachment charging Judge Addison with abuse of his authority. On the 23rd of March, 1802, two articles were presented. First, That Judge Addison had said in substance to the petit jury that Judge Lucas' charge was irrelevant and to pay no attention to it. Second, that he had actually prevented Lucas by threats and intimidation from addressing the grand jury. Until just on the eve of the trial in December, 1802, the

Legislature refused to furnish copies of the articles to the Judge. Addison conducted his defense in person. The legislature was bitterly partisan, and opposed to Addison. The verdict of the Senate, 20 to 4, found him guilty and its judgment dismissed him from his office and disqualified him from holding the office of judge in any court of law in the commonwealth. Addison's argument was a masterly discussion of the powers of a judge and a scathing expose of the rancour of his enemies.

The late Judge J. W. F. White, of Pittsburgh, speaking of the trial, said: "No person can read the report of the trial without feeling that it was a legal farce; that gross injustice was done to Judge Addison from the beginning to the end. * * * The addresses of counsel against him and the rulings of the Senate on all questions raised in the progress of the trial were characterized by intense partisan feeling. It was not a judicial trial, but a partisan scheme to turn out a political opponent."

Judge Addison was not only a scholar, a sound lawyer, but an able writer. He was the author of Addison's Pennsylvania Reports and other publications. A distinguished writer of his day has said of him: "He was an intelligent, learned, upright and fearless judge; one whose equal was not to be found in Pennsylvania."

JUDGE SAMUEL ROBERTS

Samuel Roberts was born in Philadelphia, Pa., in 1763. He was admitted to the Bar in 1790. He began practice in Lancaster, Pa., later removing to Sunbury, Pa. When Judge Alexander Addison was removed from office by the impeachment proceedings Governor Thomas McKean appointed, and on the 20th of April, 1803, commissioned Mr. Roberts as President Judge of the 5th Judicial District, then embracing Westmoreland County. He served until the close of 1805, when Westmoreland County ceased to be a part of the 5th Judicial District and under the Act of 1805 it became a component part of the 10th District, over which Judge John Young was, in 1806, appointed to preside.

Judge Roberts continued to serve as President of the 5th District, residing in Pittsburgh, Pa., until the time of his death, in 1820. He was the compiler of "Roberts Digest of the British Statutes", in force in Pennsylvania, a work essential to the practitioner of that day. The greater part of his judicial life was spent in Pittsburgh and the counties in the district to which it belonged, and, therefore, more extended remark on his career is outside of the purview of these memoirs.

JUDGE JOHN YOUNG

John Young was born of Scotch parentage in the City of Glasgow, Scotland, on the 12th day of July, 1762. He received a thorough classical education in the schools of Glasgow. He read law in Scotland with the father of Sir Walter Scott. Without completing his legal studies he emigrated to the United States where he finished with Judge Wilson and was admitted to the Philadelphia bar on the 8th day of January, 1786. In 1789 he removed to Westmoreland county where he entered into practice and spent the remainder of his life.

It cannot escape the notice of the readers of these Memoirs that almost all of the lawyers of the Westmoreland bar whose annals are written were of Scotch, or Scotch-Irish lineage. The repetition of the common ancestry is as surely anticipated as its mention in each succeeding subject has become monotonous. It will not be disputed that the canny regard for this world's gear; the patient, self-denying energy of pursuit; the controversial spirit; the courage; the mental endowments and the undeniable egotism of this gifted race would impel many of its members into the profession of the law and other learned professions, where, or howsoever they may be environed; but the mention of another circumstance will make the phenomenon entirely explicable; immediately preceding the Revolutionary War Western Pennsylvania was invaded by great numbers of the Scotch-Irish, seeking a permanent abiding place. Outside of the thrifty and peace-loving Dutch, colonizing limited sections of the county, the race dominant in numbers, enterprise and control, was the Scotch-Irish.

Judge Young came to the bar equipped as are few seekers after forensic honors and emoluments. He knew the Scotch law, the English common law and the Pennsylvania law and practice. He was the master of six languages and subsequently became the master of another. He was widely read in philosophy, history and literature. His success at the bar was immediate. His local fame soon became state wide, and he was called to Philadelphia and Baltimore to try important cases. In that early day controversies growing out of disputed land titles absorbed the attention of the courts. Both Virginia and Pennsylvania claimed sovereignty over what is now Western Pennsylvania, since the establishment of Mason's and Dixon's line. The heirs of William Penn had reserved over 10,000 acres in the county in the two Manors of "Denmark" and "Penn's Lodge." The titles to these were not divested and invested in the state until the Divesting Act of 1779 was passed. As to the reserved lands of the Penns acquired under the new purchase treaty of 1768, no warrants of survey could be granted until the Land Office was established in 1769. On the 3rd of April, 1769, notice was given that applications would be received and land would be allotted, 104,000 acres had been set aside for the Pennsylvania Soldiers of the Revolution. The proprietaries had made certain grants. Squatters had settled and cleared the land and had built their houses. Immigrants had filed. Who should have the preference in the allotment? The state settled the question of preference by having all draw by lot. All of the vexed questions that grew out of this chaotic condition were for adjustment by the court, and Judge Young's professional labors were en-

listed in the adjudication of these conflicting claims for 17 years, until his accession to the bench. His practice was profitable, and at the time of his appointment to the bench in 1806 he was in receipt of an annual income of five thousand dollars—an unusually large income for that age.

A celebrated case in which Judge Young was concerned as counsel was the trial of the right to the land on which the Roman Catholic monastery, church and college of St. Vincent, near Latrobe stands. The dispute was between the secular and regular clergy. Judge H. H. Brackenridge, afterwards a judge of the Supreme Court of the State, was concerned against him. Judge Brackenridge had been educated for the ministry and was a fine Latin scholar. The construction of Papal Bulls and Decrees of Councils, which were written in Latin was involved, as was the question as to what extent the Canon Law was recognized by the common and statute law. Judges Young and Brackenridge were able to read the writings in the original Latin and interpret them to English ears with equal facility.

The Tenth Judicial district in 1805 was composed of the counties of Westmoreland, Somerset, Cambria and Armstrong. A vacancy in the presidency of the court occurred in 1805, and Judge Young was urged by his friends for the position. In that day judges were appointive by the Governor and served for life or during good behavior. Frequently appointments were made of men residing in other portions of the state. There were numerous candidates for the position. Thomas McKean was Governor. Judge Young was

Swedenborgian in religious belief. The Governor hesitated to appoint him because he said he did not like his religion, but he was so impressed with his fitness that he made the appointment. Judge Young was loathe to give up his lucrative practice for the few hundred dollars the position paid, but he accepted the appointment and began what has proved to be the longest continuous period of service of any occupant of the bench, a service of more than 30 years.

Judge Young had all the qualities of a great judge. He was able, learned, patient, even tempered, courteous, just and firm, but with the kindly heart that tempered justice with mercy. He was seldom reversed by the Supreme Court. He presided over a very able but turbulent bar in Greensburg where he lived. Alexander, Foster, Findley, Coulter and Beaver were of the local bar. In Somerset county were Ogle, Forward, Black and others. In Kittanning were Johnston, Buffington and others. During his service on the bench articles impeaching him with misdemeanor in office were formulated and pressed before the Legislature by John B. Alexander, Esq., of the local bar, but were not sustained. His forgiving spirit was shown in his courteous treatment of Major Alexander as a practitioner before him after the failure to sustain the impeachment.

In person, Judge Young was six feet tall, handsome and impressive in appearance. He dressed in the fashion of the English gentleman with ruffled shirt front and swallow tailed black coat and wore his hair in a cue. He was most courteous, polite and friendly with his neighbors, yet he bore an air of dignity that was a constant reminder of his aristocratic birth. His

family had been ennobled by the English crown. The title of Laird of Forrester descended to him together with the revenues of the estate of Easter Culmore in the county of Sterling, Scotland, amounting to \$1,500 annually. Judge Young was a good business man. He invested judiciously in real estate and became wealthy, and left a large estate to his children.

Judge Young was noted for his numerous charities. At his fine home on Main street, where the Troutman department store is now located he dispensed a liberal hospitality. No hungry mendicant, worthy or unworthy, left his door unfed. His door was always open to men of scholarship with tastes kindred to his own. At a period of hard times in one of the counties in his judicial district he sent a wagon load of flour to the poor. On another occasion when a poor man of Cambria County had bought and paid for his home and afterwards discovered that it was encumbered by a mortgage which was foreclosed and his property was up at sheriff's sale the judge caused it to be bought in, and he resold it to the owner for the price he paid at the sale on long time payments without interest.

After serving more than 30 years he resigned his commission in 1836 and retired to private life. He died at his home in Greensburg on the 6th day of October, 1840, aged 78 years.

JOHN BYERS ALEXANDER, Esq.

John Byers Alexander was born at Carlisle in Cumberland County, Pa., of Scotch-Irish parentage. He was educated at Dickinson College, Carlisle. He removed to Westmoreland County, studied law and was admitted to the Westmoreland Bar in 1804.

The Cumberland Valley, where Major Alexander first saw the light of day, has been the native heath of a race of lawyers the most distinguished in the legal annals of Pennsylvania. John Bannister Gibson, for 37 years a Justice and for 26 years Chief Justice of the Supreme Court of Pennsylvania, had his birth and upbringing in that valley. No greater expounder of the law ever delivered its oracles in this Commonwealth. The same valley gave to the Bench and Bar of the State its distinguished sons, J. McDowell Sharpe, Esq., the Sadlers, Supreme Court Justice John Stewart, and others.

Major Alexander was a man of large mould, weighing 240 pounds, and of distinguished presence. He came to Westmoreland County at a time when the resident Bar was small, its territory sparsely settled and the social order characterized by the turbulence of a frontier population. There was little commerce except along the bordering rivers. The wealth of iron and coal lay undisturbed beneath its hills and valleys for a generation after. Its people were engaged in clearing its forests and wresting a living from the soil. Their business with the courts was the adjudication of their conflicting titles to land and the trial and punishment of such offences as occurred in a newly settled and loosely organized community.

As a lawyer, Major Alexander was easily the *facile princeps* of the local bar of his day. He was profoundly learned in the law of titles to landed property. This proficiency was the result of unremitting study. Tradition has it that he read the four volumes of Blackstone's Commentaries through once a year. It was his habit to arise at day-break, prepare his cases and answer his correspondence before breakfast. Upon one occasion when an individual attributed his great proficiency in the law to his natural ability he hastened to correct him, saying, "I owe what little I know to hard study. I arise early in the morning, all the year, and study while others are in bed." His only subjects of study other than the law were the classic languages in which he was very proficient, and Shakespeare, with which he was so familiar that he could illustrate and embellish his arguments to the court and jury with quotations at ready command. It is easily conceivable that an industry so constant and an energy so devoted concentrated upon subjects of study so limited would give him the mastery of these subjects for which he was noted. Upon one occasion he appeared in the Supreme Court of the United States to argue a case of importance involving the title to lands. The celebrated William Wirt, of Baltimore, was the opposing counsel. Alexander's argument displayed such profound knowledge of the law of land tenure and such cogency of reasoning as to excite the astonishment and admiration of both the bar and the court, and his opponent, Mr. Wirt, highly complimented him on his knowledge of the law and the force of his argument.

Contemporary with Major Alexander during most of his professional life were three other celebrated

members of the Westmoreland bar, Alexander W. Foster, Richard Coulter and John F. Beaver. Each of them frequently measured swords with Alexander. Coulter surpassed him in eloquence, Foster was his superior in scholarship and Beaver in readiness of wit, but in knowledge of the law Alexander was superior to them all.

With all his absorption in his profession Alexander had a decided leaning to military life. There were two institutions that environed his boyhood life at Carlisle, the renowned Dickinson College upon the one hand, and upon the other the military post maintained by the United States for the training of soldiers. He doubtless got his fondness for military life from the adjacent barracks. In 1806 he organized a military company called "The Greensburg Rifles." In the War of 1812 he commanded this company under General Harrison, and rendered distinguished service in the fighting at Forts Meigs and Sandusky. At the close of the war Alexander, who had been commissioned major, returned to Greensburg, bringing with him a six pound brass cannon which his command had captured, which is now in possession of his grand nephew, Gen. Richard Coulter.

Major Alexander's company maintained its organization with him as its commander after its return from the war. It was spectacular in appearance. The men were over six feet tall and wore gaudy uniforms, much of the expense of which was contributed by Alexander. They turned out as escort to Gen. Lafayette when he made his tour of the United States in 1824 and passed through Westmoreland County.

Major Alexander's military fame was highly cherished by him. In 1838, while attending a session of the Supreme Court at Pittsburgh he occupied a box in the theatre where Sanford was performing "Jim Crow." It was suggested to Sanford that he introduce in the play a complimentary reference to the Major. Thereupon he improvised and declaimed from the stage the following:

"Ole General Harrison,
He was a great commander,
And the next big hero there
Was Major Alexander."

The essay was received with loud applause and the Major was highly gratified.

To meet an old acquaintance of convivial habits and recount his military experiences was the only event that would make Alexander neglectful of his professional engagements. At one time he was employed by a young Armstrong county lawyer in the trial of an important land case. The Major prepared his brief and went to Kittanning to try the case but fell in with an old acquaintance and over their potations recounted their war experiences. The young lawyer became uneasy and insistent on the Major's presence in court. He was in bed and refused to go, but taking his brief out of his saddlebags gave it to his young colleague, and with an oath, said, "take these papers and if you can't win the case on them, you are not much of a lawyer." He took the papers, argued the case on the authorities cited in the brief and won the case. Visiting again after the case was over and finding the Major still in bed, he asked him what fee the client should be charged. He replied: "You may charge as little as

you please, but I am not going to have all this toil and trouble for less than one hundred dollars."

Aside from his military experience the only other diversion from his professional activities Alexander made was a short service in the Pennsylvania Legislature. William Findley, the incumbent, was appointed Secretary of State and his seat became vacant. The Governor requested his constituents to send as good a man to fill his place. They replied that they would send a better man, and they elected Alexander. He was an able and an honest man. He found little of either quality in his colleagues. While they were ignorant, they were past masters in the art of Legislative trickery. He became disgusted, mounted his horse and returned home before the session closed.

Major Alexander was married but had no children. One of his sisters married Eli Coulter and became the mother of Gen. Richard Coulter, the elder, and his brother Alexander. Another married Hon. Joseph H. Kuhns and became the mother of Mrs. Thomas J. Barclay, Mrs. Edward J. Keenan, H. Byers Kuhns, Esq., and other children.

Late in life Major Alexander bought the farm on which Southwest Greensburg Borough was laid out. A diversion of his later years was experimental farming and stock-raising. He was always ready to maintain that his fruit, his poultry and his pigs were the best in the county. He continued to ride his horse, "Somerset" into town and practice his profession until his health gave way and he died in May, 1840, having practiced for 34 years.

HON. RICHARD COULTER

Richard Coulter was born in Versailles Township, Allegheny County, Pa., in March 1788, of Scotch-Irish parentage. He was educated at Jefferson College. He read law with John Lyons, Esq., at Uniontown, Pa., and was admitted to the Westmoreland bar on the 18th of February, 1811.

The subsequent 51 years of Mr. Coulter's life indicates that, at the outset, life presented two fields of activity, politics and the law, in either of which he could attain distinction. At times he labored in both, and reached great distinction in both.

He settled in Greensburg and began to practice but he had barely found himself and had garnered but few of his forensic laurels when he was lured into the field of politics. Like many lawyers who reach a certain degree of eminence as such he conceived that he could cultivate both fields with advantage. Both furnished a stage for the display of eloquence; both had a forum for the employment of logic and the display of the power of keen argumentation; both a law suit and a policy of statecraft had two sides that invited debate and invoked partisans; both made an appeal to an intense nature such as Coulter's, who possessed a vivid imagination, a fervid eloquence, an incisive, logical reasoning power and wide scholarship. It is not difficult to understand why so large a proportion of statesmen are recruited from the legal profession and why lawyers allocate these fields of activity as adjacent to each other and find the approach so easy and the barriers so low that they conceive that they can cultivate both fields, when it is considered that the subject

matters dealt with, the methods pursued, and the tools employed are kindred in character.

In 1816 Mr. Coulter was elected a member of the Pennsylvania House of Representatives as a member of the Federalist party, and was successively elected to the sessions of 1818, 1819, 1820 and 1821. His period of service covered that period of the nation's history that was known as the "Era of Good Feeling," in the President Monroe administration when partisanship almost disappeared, when the Federalist party was losing its identity and was passing into history, and the opposition to the Democratic, then called the Republican party, was constructing the foundations of the Whig party.

In 1826 Mr. Coulter was elected to Congress on the Federalist ticket. Thereafter, in 1828, 1830 and 1832, he was re-elected to Congress without opposition, the Democrats supporting him as their candidate. Coulter had become a pronounced Democrat and was the party's ablest champion in the House and the idol of his party at home.

At this period, which was in the midst of President Andrew Jackson's administration, the United States Bank applied for a recharter. Jackson and the Democratic party were bitterly opposed to the bank. Congress authorized the recharter and Jackson vetoed the bill. Mr. Coulter had been a strong advocate of the recharter of the bank and thereby became at issue with his party. The Democrats refused to renominate him in 1834, and he became an independent candidate. The Democrats nominated John Klingensmith, of German antecedents. Westmoreland county was thickly settled with Germans and they rallied to Klingensmith.

smith's banner. Indiana, the other county in the district, was strongly anti-Masonic. Coulter was a Mason, and had been a champion of that order when the revolt against Masonry swept over the country. To procure the support of Indiana County Coulter renounced Masonry. The contest was bitterly waged but Coulter was defeated. Klingensmith, the victor in the contest, was a man of limited education, with none of the qualities of a statesman, but withal, an artful politician.

The contest between Coulter, the able, experienced and upright statesman and his successor was marked, and was the subject of discussion by the public press. An anti-administration paper bewailed Coulter's defeat in the following language:

"Poor Pennsylvania! She is the Boeotia of the Union! Where else could such a man as Richard Coulter have been defeated by such an unknown and illiterate person as his antagonist?"

After his defeat for Congress Judge Coulter devoted himself assiduously to the practice of his profession. In the succeeding 12 years he amassed a large and profitable practice and became affluent in circumstances. During this period the local bar was served by some of the ablest men in its history. John B. Alexander, the two Fosters, John F. Beaver, and the Marchands were in full career of practice, and Laird and Cowan were rising into prominence. With these able men Coulter was a capable contender. He was well versed in the law and had a clear understanding of its fundamental principles, as is abundantly shown by his opinions delivered after he ascended the bench. In his ability as an advocate he had no equal at the bar. The

fame of his moving power as a jury lawyer comes down by tradition to the present generation of practitioners. Senator Edgar Cowan, contemporary with him in Cowan's early practice, asserted that Coulter was the most eloquent and impressive jury lawyer who ever practiced at the Westmoreland bar.

In 1846 a vacancy on the Supreme bench occurred by the death of Justice John M. Kennedy. A united appeal, regardless of party, by the bar of Westmoreland County was presented to Gov. Shunk for the appointment of Coulter to the vacancy. Coulter was not of the Governor's political party, but he was so impressed with Coulter's fitness for the position that he appointed him. He began his labors in September, 1846.

Under the amendment of the State Constitution, adopted in 1850, judges ceased to be appointive for life and became elective. The entire Supreme bench was thus legislated out of office. The Democrats nominated John Bannister Gibson, Jeremiah S. Black, Walter H. Lowrie, Ellie Lewis and James Campbell. The Whigs nominated Justice Coulter and four others. Campbell, Democrat, and the other four Whigs were defeated and Coulter was elected and drew the 15 year term. He lived to serve but two years of the term. Justice Coulter was the only representative the Westmoreland bar has ever had on the Supreme bench of the state.

During Justice Coulter's service on the bench, Judge Gibson was also, and for 20 years previously had been, an incumbent of the bench. He was profoundly learned, and was to the Pennsylvania Supreme bench what Chief Justice John Marshall was to the Federal Supreme bench—the interpreter of the law

and the constitution in the infancy of the state. It has been hinted that the fame of Gibson was so great that his associates on the bench deferred to and were dominated by him. This was not true of Coulter. He was of such independent mind that he did not hesitate to declare his opinion when he differed with Gibson. An instance of this independence was in the case in which the observance of the Sabbath was before the court. The majority adjudicated the case on the "Sunday" statute of the state. Coulter dissented from this and vindicated the observance of the day as the Christian Sabbath, founding it on the ordinance of Almighty God. Perhaps the most celebrated opinion of Judge Coulter was in the case of Hummel vs. Brown, 6 Penna. State Rep., page 86, in which he elaborated the legislative power of the state in the creation and control of corporations.

Judge Coulter was a man of vigorous frame and impressive presence. He was of scholarly tastes and was an omnivorous reader of books. He was a ready and voluminous writer as will be seen by reading his opinions in the state law reports. He was incorruptible, upright and honorable in his public and private life. His influence was on the side of religion and morality. He was Presbyterian in faith. He was unmarried, and lived with his widowed mother and maiden sister in Greensburg, where he died on the 20th day of April, 1852.

ALEXANDER W. FOSTER, Esq.

Alexander William Foster was born in Salsbury Township, Chester County, Pennsylvania, of Scotch, English and Dutch parentage, in October, 1771. He read law in the office of William Burd, Esq., and was admitted to the Philadelphia Bar in 1793.

Mr. Foster was a scion of a Scotch family that was driven from Scotland to the North of Ireland by the religious intolerance that prevailed in the period just prior to the English Commonwealth under Oliver Cromwell. His grandfather, Alexander Foster, emigrated from Londonderry, Ireland, in 1725, and settled in New Jersey. His father, Rev. William Foster, entered the Presbyterian ministry and settled at Octoraro, Chester County, Pa., during the war of the Revolution. He was an ardent patriot, and did much to augment Washington's army, then stationed at Valley Forge, by his patriotic addresses to the young men of his community, whereby he incurred the hostility of the British General Howe who threatened to hang him on the highest tree in the forest if he could catch him. Howe dispatched several parties of soldiers to arrest him, but, warned by friends, he evaded capture. He died in 1780, leaving his widow, four sons and four daughters, the subject of this sketch being the second son.

After his admission Mr. Foster continued to practice in Philadelphia in partnership with Geo. Clymer until 1796 when with his mother and brothers and sisters he removed to Crawford County, Pa. Here he rose to eminence at the bar, acquiring a clientele that

extended from Pittsburgh to Erie. In 1812 he was employed to try a case in Greensburg. While engaged in the trial he was engaged by a number of clients, and being impressed by the favorable prospects and with the town, he, with his family, removed and settled in Greensburg, where he speedily acquired a large practice.

Mr. Foster entered the lists in Westmoreland County with worthy foemen already there. John B. Alexander, the profoundly learned jurist, and Richard Coulter, the able and eloquent advocate, were the leaders of the bar. They opened the ranks to admit Foster to complete a triumvirate of the ablest lawyers who have graced the Westmoreland bar. Each of these distinguished lawyers had their separate badge of preeminence. In an argument before the court on the law, Alexander brought a profundity of knowledge of the law, a precision of statement and a cogency of reasoning that surpassed either Coulter or Foster. In florid, fervid eloquence that captivated the emotions and constrained the will Coulter was superior to Alexander and Foster. In mental acumen that could penetrate motives, uncover falsehood and extract the jewel of truth from an unwilling witness, Foster surpassed both Coulter and Alexander.

Mr. Foster was copious in expression. He had such readiness of speech and mastery of logic that he could make an argument without groping for the appropriate word, and without obstruction in the building of his sequences. This facility, so valuable to the jury lawyer and so impressive to the listener, argues an acquaintance with literature that was varied and extensive.

Mr. Foster was a kind and genial man. Even when conducting a searching examination of a witness he got the truth without the use of the bludgeon or the weapon of sarcasm. He abstained from invective in his argument to a jury. He could conjure with facts, illustrate with anecdotes, charm with wit and humor, persuade by appeal to reason, and by the exercise of these powers in combination he could exercise a wizardry, and win verdicts that were as inscrutable to his adversaries as they were marvellous to the court.

The office of Mr. Foster was a favorite school for students who desired to study law. He was kind, considerate and approachable. He was never too busy to impart instruction. He would enlist the interest and challenge the powers of his students by propounding questions, submitting cases, entering into arguments with them, thus giving them the knowledge, the strategy, the practice that would stand them in good stead when they entered upon the practice of the law. Among his students who arose to distinction were his nephew, Hon. Henry D. Foster, John F. Beaver, John Riddell of the Erie bar, James Struthers of the Warren bar and Calvin Mason of the Fayette, afterwards of the Philadelphia bar. They were wont to say that they learned more law from his oral instruction than they did from his text books.

Mr. Foster enjoyed social life. He had great conversational powers and was the center of any group in which he was present. He was a favorite speaker at public gatherings. He was interested in agriculture and could talk instructively about the application of

the principles of chemistry to soils. He was a frequent orator at the county fair.

In 1820 Mr. Foster was the Federalist candidate for Congress in the district composed of Westmoreland, Armstrong, Indiana and Jefferson Counties. He was in the minority party and was defeated. He never held office. When the Federalist party passed out he became an Anti-Mason. When that party ceased to exist he became a Whig.

In 1802 Mr. Foster married Jane T. Heron of Franklin, Pa. He had one son, Alexander W. Foster, who became a prominent member of the Pittsburgh bar. While Mr. Foster was in Mercer, Pa., preparing his argument in a case in the Supreme Court, he contracted a sudden cold from which he died in 1843, aged 72 years, after he had completed a practice of more than half a century.

JOHN F. BEAVER, Esq.

John F. Beaver was born at Stoyestown, Somerset County, Pa., about 1808. Such education as he acquired outside of learning to read in the common schools, he attained without schoolmaster or college training by the study of books. He read law with Alexander W. Foster, Esq., and was admitted to the Westmoreland bar at February Term, 1833.

A hunger for knowledge is often keenest in those who have the most slender means of gratification. He most enjoys the banquet to whom it is seldom spread. He comes with appetite not cloyed to enjoy a novel experience, to measure the degree of satisfaction which the thing supplied ministers to the craving. Learning has a value to the hungry mind which is enhanced by the difficulty of its attainment. It was so with Beaver. Poverty and his environment closed the schools to him but they whetted his desire for the gifts which the schools dispensed. Was there another almoner of Learning's bounty with which he might establish contact? He found it in the books with which learning conjures, and he became one of the most versatile scholars of his age.

Mr. Beaver was a man of huge mould, weighing 225 pounds. He was skilled in athletic exercises, of which he was fond. He was an unerring marksman who could, at will, hit the bulls eye with a rifle, and with equal skill vanquish his competitors in pitching quoits. An amusing incident is related of a wager he made with one of his antagonists at quoits, that he could pitch a quoit 14 out of 15 times into his antagonist's hat at a distance of 40 yards. He did the act, and

then generously replaced the battered hat by his purchase and presentation of a new one. On another occasion he had heard of a rural shooting match, the prize of which was to be the ownership of a bear. He attended the match. He was invited to shoot, but he had no gun. A boy with a rusty gun was present, and, with much persuasion to the boy, he borrowed the gun, but he handled it so unskillfully that the bystanders volunteered to show him how to point it and use the sights. Round after round followed, Beaver hitting the nail on the head each time and winning the bear. The boy who had loaned him the gun was seen with a chain hanging out of his pocket. Beaver got the chain and secured the bear. It turned out that the boy with the gun and the chain was his own son, who with him came to the match with assurance of and equipped for the victory, and the means of securing its fruit. He then made himself known to the crowd, provided them with a banquet, and thereby secured them all as his future clients.

Beaver's selection of the law as his vocation was fortuitous. While residing at his father's home at Grapeville he cut his foot and was disabled for several weeks. While thus incapacitated he got hold of his grandfather's copy of "Smith's Laws," and made himself master of its contents. This was his impulse toward the legal profession. It will not be disputed by any lawyer who is familiar with "Smith's Laws" that a youth whose interest could be inspired and whose patience could be expended in the study of these laws had the making of a great lawyer in him. Anything more tasteless and soporific is not to be found in

the curriculum of legal study. From "Smith's Laws" he went to the office of Mr. Foster who turned him out to be a most capable and resourceful lawyer.

On his admission to the bar Mr. Beaver began the practice and soon had a large clientele. He tried a great many cases. Coulter, the Fosters, Marchand, Williams and Alexander, all of them great lawyers, were his antagonists. Beaver had a thorough knowledge of the law. He had a native ability, a ready wit and a freedom of utterance that made him a doughty antagonist in any trial. His practice ramified into Allegheny County and he had considerable practice in the Supreme Court where he was a great favorite with the judges by reason of his candor in his arguments.

The political affiliations of Mr. Beaver were various. He was first an "Anti-Mason," next a "Whig," and then became a member of the "Free Soil" party. He was the Whig candidate for Congress in 1840, but was defeated by Hon. Albert G. Marchand. During the campaign John M. Laird, editor of "The Pennsylvania Argus," was chairman of the Democratic convention resolutions committee. On the day the convention met he had his resolutions prepared in which Beaver, the Whig congressional candidate, was roundly denounced as a scamp, undeserving the support of any respectable citizen. Both Laird and Beaver took dinner at the same hotel. Both had large heads, and Mr. Laird by mistake got the fulminations of his wrath, embodied in the resolutions, in Beaver's hat. Beaver discovered them, took them into court and gravely read them to the court. Judge Thomas White,

who was on the bench, greatly enjoyed the fun, but declined to assume jurisdiction of the subject matter of the resolutions. Beaver then returned them to Mr. Laird and they were duly adopted by the convention. Such were the amenities of polities in that early day.

Mr. Beaver was an independent and original thinker, and he was a man of such kidney that he did not hesitate to embody his thoughts in attempts to reform the manners and customs of society to conform to his ideals. Failure in these regards did not discourage him but seemed to incite him to new attempts.

In 1842 Mr. Beaver sold his practice and office equipment to Senator Cowan, then just admitted to the bar, and removed to Newton Falls, Ohio. There he was soon elected to the State Senate. He was a striking figure in the Senate by reason of his dress, his size and his ability. When the Senate met it was a tie politically. Beaver had broken down in his wagon as he was on his way to the session and walked the last twelve miles of the journey. He came up mud-spattered and with his pants in his boots, but just in time to break the tie. His entrance was greeted with applause and laughter. Thereafter he was called "Boots". At a later date the saying became common that there "was a Governor in his boots," and he came within one or two votes of securing the nomination for Governor of Ohio.

Beaver was kind, genial, unaffected, equable in temper and without malice. These qualities attracted the young men to him, and he became their hero and exemplar. He was devoid of vanity. His estimate of the value of clothes was based on their usefulness

and not on their appearance. When his clothes became frayed he had to be admonished that he needed a new suit, otherwise if the suit had been indestructible it would have been his changeless vestment. Mr. Cowan, his friend and colleague, moved by a sense of fitness, by various stratagems secured his measure and procured him a conventional new suit, with fine boots and a "plug" hat. With some difficulty he was persuaded to don them, and on his appearance on the street he received an ovation.

Mr. Beaver lived to a good old age, dying at his home in Newton Falls, Ohio, on the 12th day of June, 1877.

JUDGE THOMAS WHITE

Hon. Thomas White was born in the County of Sussex, England, in 1799, of English parentage. When about five years of age he emigrated with his mother to the United States and settled in the City of Philadelphia where he received his education. He read law with the celebrated William Rawle, Esq., and was admitted to the Philadelphia bar in 1820. In 1821 he removed to Indiana, Pa., where he began the practice of the law.

The boy, Thomas White, was born upon historic soil. The County of Sussex was the landing place of Julius Caesar and his Roman legions when he invaded Britain. Here in the domain of the Celtic tribes the Romans colonized. When Saxon and Dane, freebooters of the North, made their respective invasions of England they descended upon the shore of Sussex. Historic Hastings nestled in its plain. The hill of Senlac rises upon its northern border. Upon the hill of Senlac William the Conqueror with his Norman hosts fought his successful duel for the crown of England with Harold, the Saxon king, and Harold and Saxon supremacy died together upon the field of Hastings on the 14th day of October, 1066. Upon its field, watered with the blood of Celt and Saxon, Dane and Norman Thomas White first saw the light of day and heard the legends of the bloody conflict.

Upon his entry into practice it was not long until Judge White forged to the front. His knowledge of the criminal and civil law was accurate and profound. He practiced a period of fifteen years before he was

elevated to the Bench and a like period after he left the Bench. A contemporary has said of him that "in legal contention, he was open, manly, fair and courageous. He spent no time in attempting to undermine the weak points of his opponent's argument, he trusted to the sagacity of the judge for that. He fought his legal battles upon the most available ground upon which the facts and the laws admitted". If Judge White lost his cause in the Superior Court, true to his ancestral blood he fell, as the Briton falls, with his face to his antagonist, without murmur or complaint.

Another eminent member of this bar yet in our midst, Hon. James S. Moorhead, has rendered this tribute: "To assure you that he was a full match for our own skillful swordsman, Henry D. Foster, our own Captain of Artillery, Edgar Cowan, our own erudite and adroit President of this Association (Hon. H. P. Laird), is to express fairly, but not extravagantly, my estimate of the man."

These are rare tributes to be paid to the learning and ability of a lawyer. Altogether too seldom are they committed to the printed page to become imperishable history for the emulation of a learned profession that has been slack in taking measures to perpetuate the fame of its distinguished members. During the life of the subject his great qualities are, indeed, printed upon the tablets of our consciousness, but perhaps unspoken, they are stored away. If at his passing, they are brought forth, furbished and given utterance, they are then usually consigned to that oblivion that has become the graveyard of the fame of our great lawyers.

But it was as a Judge that Thomas White was best known. The 10th Judicial district in 1836 was composed of the Counties of Westmoreland, Cambria, Indiana and Armstrong. On the resignation of Judge John Young in December, 1836, Governor Joseph Ritner appointed Mr. White president judge during good behavior. He served continuously until the 27th of February, 1847, when by the adoption of the amended Constitution of 1838 his term expired. At the beginning of his term the population of the district was 103,000, and at the close it was 119,000; and yet such was his administrative ability that the judicial requirements of the four counties in the district were promptly met and discharged.

Judge White could bring the great wealth of his legal learning to the counsel and the jury with such lucidity that left no one in doubt of his meaning. In his instructions to the jury he spoke distinctly and sententiously, recalling to their minds the testimony, leaving to them to sift and find the facts, and when found, he applied the legal principles that controlled with such simplicity and clearness that the jury could not misunderstand their duty. His answers to points for charge gave the counsel what he contended was the law, or showed him that he had misconceived it.

Justice Coulter, of the Supreme Court in Strickler vs. Sheaffer, 5 Pa. State Report, 240 speaks of him as "remarkable as an able and clear minded judge." Judge Rodgers, of the same court, in Com. vs. Flannigan, 7 W. & S. 415, commenting on Judge White's conduct of the trial, said that "Judge White discharged his duty fairly, impartially, and with great ability."

A fair sample of the learning and ability he displayed in his charges to the jury will be found in the case of Rubeck vs. Gardner, 7 Watts 455.

At the close of his term there was without partisan distinction an almost unanimous sentiment in favor of his reappointment. Judge White was a Whig in politics and Governor Shunk belonged to the opposite political party. His reappointment would not only have continued in service an able, upright and impartial judge, but it would also have avoided a most bitter contest between the Governor and the State Senate over the appointment and confirmation of his successor. However, he was not reappointed and he returned to the practice of the law.

Judge White was appointed by President Lincoln a member of the Peace Commission that sat in Washington in the early days of the Rebellion trying to harmonize the differences between the North and the South. He was fond of agricultural pursuits and owned several farms near Indiana where he resided the whole period of his active life. He was instrumental in organizing the Indiana Agricultural society that still conducts one of the best fairs in the state.

Judge White was the father of Hon. Harry White, who also graced the Indiana County bench for a period of 10 years. He died at his home in Indiana, Pa., on the 23rd day of July, 1866, aged 67 years.

HENRY D. FOSTER—Citizen and Lawyer

Henry D. Foster was born in Mercer County, Pa., on December 19th, 1808, of Scotch, English and Dutch ancestry. He was educated at Allegheny College, Meadville, Pa. He read law with his uncle Alexander W. Foster and was admitted to the Westmoreland bar on the 26th day of August, 1829.

When General Foster came to the bar he entered distinguished company. John B. Alexander, Alexander W. Foster and Richard Coulter grouped as a constellation of lawyers, outshone by no other group in Pennsylvania. Coulter the eloquent, Alexander the legally erudite and Foster the skilled case-trier and persuasive advocate were at the zenith of their forensic careers. It was to the eagle's flight that the fledgling lawyer was challenged. He might not essay at once to join the flight and divide the choicest prey, but his eye, assuredly, would trace the course and center upon the objective, as he tarried until his pinions grew. Gen. Foster soon grew pinions adequate to enable him to take flight as lofty as any of his fellows.

The old bar was a good school in which to train lawyers to greatness. Almost every professional engagement was controversial in character. It eventuated in a lawsuit. This is always true in a primitive state of society. The pioneer has little, but that little is his all, and it is to be asserted or defended at all hazards. His all was usually the homestead he had staked off and cleared from the wilderness. His neighbor had blazed some trees or set some stakes within his line. The neighbor cuts a tree or builds a sugar camp on the disputed area. It is the gage of battle,

the challenge to combat, and the fight is on. It was in contests such as these that Gen. Foster developed his great proficiency as a lawyer—a proficiency so great as to lead Chief Justice Gibson to affirm that Foster was the greatest land lawyer in Pennsylvania, and Judge Buffington, before whom he practiced, to say that Foster was the strongest, and consequently the most dangerous man when on the wrong side of a case, who ever appeared before him.

Foster knew the strength and weakness of his case as well as the like elements of his adversary's case. Like the accomplished skater who must traverse the thin spots of ice in his course he girded his loins straightened his course and speeded up until he had safely overpassed the point of danger. He was adroit in creating diversions to withdraw the attention of his adversary from the point, either of offense or defense, which he regarded as vital in the case; and when he had wrestled until he had exhausted the strength of the adversary and permitted him to triumph over him on an utterly immaterial point which Foster cared nothing about, he would suddenly spring the strong point of the case, establish it with an unanswerable argument, and, while his adversary stood astounded, speechless and defenseless, Foster would walk out of Court with the decision in his client's favor.

General Foster's practice was not limited to the county of his residence. When the 10th Judicial district also embraced Armstrong and Indiana Counties he rode the circuit with Judges Young, White and Buffington, and tried many cases in those counties. It is related that when those itinerant practitioners reached

the Court House steps of the county to which they had journeyed for the opening of Court, it was the custom for clients to employ the more distinguished practitioners, relate the facts, collect the witnesses and follow the lawyers so employed who would go into Court and try the case when called, *instanter*, without more formality. If such were the ancient practice, and it is well vouched, either the custom was decidedly bad or the lawyers were decidedly good. We are not inclined to deny either averment, but it may be permitted us to observe that the present generation of lawyers would disclaim any such proficiency, and they are content that the custom remain buried in oblivion.

General Foster tried a great many cases in the Supreme Court, between one hundred and two hundred during his fifty years of practice. He was most frequently appellant, indicating that he was willing to stake his judgment against the learned Judge who had decided against him. One of the most important of his cases was *Greenawalt vs. McAnelly*, reported in 85 Pa. State Report, page 352, a case that went up on the question as to the proper proof and the degree of proof required to establish a common law marriage.

Mr. Foster's public address was characterized by an unhindered fluency, simplicity of language, vigor of expression and definiteness of objective,—the response of an intellect that enthroned reason, chambered imagination and stored learning; emotions that could play upon the heartstrings of the hearer, and a will that could drive the message to its intended goal. At times the current of his thought ran like the smoothly flowing ripple of the stream traversing the plain; as it approached the gorge it leaped in tumult over all

opposing obstacles in its resistless course; verbose, it may be, rhetorical always, but persuasive to the end.

Mr. Foster was courageous in his profession. He feared no foeman, however distinguished. He accepted no dictum, however plausible. He subjected it to the test of the crucible and if it did not precipitate as gold the whole mass was rejected as dross. But although militant, his adversaries were always his friends when the strife was done. He was the Chevalier Bayard of the bar of his age, *sans peur et sans reproche*.

He was kindly and gentle in his contact with his fellow men. Although for a portion of his life he held high official position and for all his life he was celebrated as a great lawyer he was as approachable as the man with no pretensions to fame. The little children of the streets knew and revered him. They were the recipients of his kindness and the living repositories of his fame. This is evidenced by an incident related by John N. Boucher, Esq. in his "History of Westmoreland County." When the news of Foster's nomination for Governor reached Greensburg, he was in the Prothonotary's office with his friend, Bales McColly, and the boys on the street began shouting "Hurrah for Foster for Governor." When inquiry was made of Foster what was the significance of the cry, he replied that it is just the foolishness of some thoughtless boys. Foster had no knowledge then of his nomination, but the incident illustrates the fondness of the boys for their friend.

Mr. Foster was the recipient of a large income from his profession, but he died poor. It could not be

said of him that he was the “reaper who filleth not his hand, neither he that bindeth up the sheaves to his bosom.” He filled his hands and his bosom with the just rewards of his labor, but he bereaved his hand and his bosom of the sheaves gathered at the behest of his kindly heart that was always open and responsive to the appeal for help. His charity may not always have been judicious, but it was large hearted and ungrudging, and constituted a part of the treasure he laid up where “neither moth nor rust doth corrupt, and where thieves do not break through and steal.”

FOSTER, THE STATESMAN

At the early age of thirty years General Foster was elected to Congress from the Congressional district composed of Westmoreland and Indiana Counties, succeeding Hon. Albert G. Marchand. Foster had won high position at the bar. He was a Jacksonian Democrat, was the idol of his party, and its foremost champion on the stump.

Prior to his entrance into Congress Westmoreland County had developed the important industry of smelting iron ore, in which her mountain ranges abounded, and forging charcoal iron. The nation was beginning the construction of her great railroad systems. The Pennsylvania railroad, projected from Philadelphia to Pittsburg, was chartered in the late forties, and the iron rail became an important article of commerce. England had made great advances in the industry and was prepared to lay down rails on our seaboard cheaper than they could be produced by our rolling mills then in their infancy. The highly protective tariff act of 1842 had been passed, and under its stimulus the iron business was assuming large proportions in Pennsylvania.

Soon after Mr. Foster entered Congress a bill was introduced in the House and was championed by Mr. Holmes, of South Carolina, to remit the duties on railroad iron. This bill would have stricken down the rapidly expanding iron industry of Pennsylvania, fostered and built up by the tariff of 1842. It was apparent that the New England States, which were largely engaged in the cotton textile industry, had formed

a coalition with the South, which produced the raw cotton for the factories of New England. A combination designed to be helpful to these two sections was formed by which high protection was to be accorded to the textile industry at the sacrifice of the duty on Pennsylvania iron. Foster came to the rescue of the imperilled interests of his state in an argument that established his reputation as a statesman and evoked from John Quincy Adams, ex-President, and then a member of the House, the fine tribute that "Foster is the coming man."

On the 18th of December, 1844, Foster, pursuing his argument, said: "What do we see now? The first movement at the present session of Congress attacking the great interests of Pennsylvania. Did it come from the Democracy of the North, South, East or West? No, but from a prominent Whig member of this House. All that Pennsylvania asks is a fair settlement of this controversy. She wanted an adjustment in such manner as to give security to her citizens. * * * From 1833 to 1842, a period during which all her industrial pursuits had been stricken down by the operation of the Compromise Act, no arm had been raised in defiance of the authority of the government, but daily and hourly they saw the whole of their interests going to decay and destruction, and they waited until the appeal made to the patriotism and good sense of the American people prevailed in the passage of the tariff of 1842, under which all her interests were beginning to revive and look up. The principle of the tariff of 1842, as far as related to the manufacture of

iron, of any description or every description was not too high."

Continuing, he said he was really sorry to see his friend from South Carolina (Mr. Holmes) fall into the arms of a coalition which he believed had already begun between some of the gentlemen of the South and of New England; but let him tell the New England gentlemen that if they deserted Pennsylvania and threw themselves into the arms of the gentlemen from South Carolina, they must not expect the aid of the former when their own interests are in danger.

In this closing year of his second term in Congress Gen. Foster was elected to the lower House of the Pennsylvania Legislature and re-elected the succeeding year, after which he continued to practice law until 1857, when he was again elected to the Legislature.

It was while he was a member of the House in 1857 that he became a candidate for United States Senator. Col. John W. Forney, then the most influential Democratic leader in Pennsylvania, was also a candidate. Forney had been the state manager of Buchanan's campaign for the Presidency the previous year. President-elect Buchanan forced Forney's nomination by the Democratic caucus. The Democrats had a majority of three on joint ballot in the Legislature. Forney had many enemies by reason of the vigor of his campaign for Buchanan. Simon Cameron, who had long been a Democratic U. S. Senator from Pennsylvania, but who had deserted to Freemont the previous year, was the Republican candidate for U. S. Senator. Cameron was the most astute politician in the state. He was not popular with his party, but

was able to secure the united support of his party members provided that he could secure the votes of three Democrats. He secured the votes of the three Democrats, Lebo, Maneer and Wagenseller, and the party treason of these three men elected him and founded the Cameron dynasty, for 35 years thereafter dominant in Pennsylvania Republican politics. The three traitors to the Democracy were read out of the Democratic party and became political and social Ishmaelites in Harrisburg.

In 1860, Gen. Foster without being a candidate and without notice to him, was nominated for Governor by the Democratic convention. He cared nothing for the office but made a stirring campaign against Andrew G. Curtin, Republican. Foster was the strongest candidate the Democrats could have nominated, but he was embarrassed and weakened by the fact that the Democratic party in the nation was split by the nomination of Stephen A. Douglass for President by one wing and John C. Breckenridge by the other. This split finally defeated Foster and elected Curtin.

An amusing incident of the campaign grew out of a loose remark made by Curtin in a speech, that he would like to discuss with Foster his attitude toward the two rival Democratic candidates for President. It was seized on by newspapers and proclaimed as a challenge to Foster. Foster's manager, Senator William H. Welsh, could not do otherwise than take up the challenge. Col. A. K. McClure was Curtin's manager. Neither manager wanted the debate, and after several fruitless meetings they agreed that they would each propose to the other impossible conditions, and then each chairman had his party organs charge the

other with responsibility for calling off the joint debate.

It is related that when the news came to Greensburg of Foster's defeat for Governor strong men, who had come in to hear the news, wept at his defeat.

In 1868 Gen. Foster was again a candidate for Congress against John Covode. Foster was returned elected by a majority of 41 votes. In a vigorous contest by Covode, in which Foster was defended in an able argument by Hon. Samuel J. Randall, Covode was declared the winner by a majority of 18 votes. In 1870 Foster was again elected to Congress, serving his term, which closed his political career. He continued to practice law until 16th October, 1880, when he died, universally lamented.

Painted upon the frieze of Court room number one, facing the President Judge and all the justices when the court sits *in banc* to declare the oracles of the law; facing a bar that enrolls almost two hundred members, from the gray haired veteran to the latest recruit, the portraits of Alexander, Coulter, Buffington, Cowan and Foster look down with majestic mien. They derive none of that majesty from royal birth nor from Norman blood. They wear no vestments of royal purple, but the idealist sees a halo resting upon the heads of these departed lawyers that sits only upon the brow of greatness—greatness they possessed in natural and acquired endowments; greatness in the inspiration their lives give to those who follow them.

EDGAR COWAN, CITIZEN AND LAWYER

Honorable Edgar Cowan was born of Scotch-Irish parentage in Sewickley township, Westmoreland county, on September 19, 1815. He was educated at the Greensburg Academy and in Franklin College, Ohio, from which he was graduated with honor in 1839. He read law in the office and under the tutelage of Hon. Henry D. Foster and was admitted to the Westmoreland County bar at February Term, 1842.

The scenery of Northern Scotland is punctuated by many lofty mountain peaks that lift their crests so high above the shore line that the mariner of the North Atlantic sees the land long before he reaches it. Over-topping all of these peaks Ben-Nevis rises to a height that sweeps them all in his shadow and scans the ocean to the east, the north and the west. Such among his fellows was Edgar Cowan, when viewed in the varied aspects of his life. Towering six feet three inches in height his physical proportions classified him with the Anakim. In his mental and moral aspects he was not less dominating.

King Solomon, speaking of the range of his own studies, said: "I gave my heart to seek and search out by wisdom concerning all things that are done under heaven." Given the will, the intellect, the means and the objective of Solomon; given the opportunity that enabled him as the accomplished performer to sit down at the keyboard of the world's great organ and pull every stop, sweep every chord and sound the full diapason of human achievement, it is not surprising that he was able under divine inspiration

to exploit wisdom in three thousand proverbs, and when the Queen of Sheba tested him with hard questions he was able so wisely to answer her that there was no more spirit in her.

When we study the achievements of Mr. Cowan we are impressed with the thought that he too, as did Solomon, gave his heart to "seek and search out by wisdom concerning all things that are done under heaven." He had all the elements that conduce to profound scholarship. He had an inborn thirst for knowledge; he had just evaluation of truth; he had an analytic mind; he had industry that never wearied, patience that never faltered until he reached the *ultimam rem* of the pursuit, and he used the means he earned not so much to increase his worldly wealth as to procure books to increase the wealth of his erudition. We are prepared, therefore, to understand why, in his mature years, he became the profound linguist, scholar, philosopher, lawyer and statesman,—a linguist who was able to speak his mother tongue with the purity, dignity and force he displayed; to read the living languages in which other races express their national genius; to read the dead languages, each of which was to him and to us the open sesame to the storehouse of wisdom and learning of past ages. We are not surprised that he was at home in the workshop of the mechanic controlling natural forces, the chemist with his formulas, the moralist with his laws of human relationships and obligations and the philosopher in his generalizations on the Real, the Ideal and the Absolute.

It is related of Mr. Cowan that as a boy he acquired a proficient knowledge of the Bible, "Pilgrim's

Progress," "Baxter's Call to the Unconverted," "Fisher's Catechism" and books of kindred character, which had place, authority and sanction in his home with his grandfather, who was a stern Calvinist in belief. From these books he acquired those elementary principles of morality which directed him in his social and professional life, and which, carried into his later political life, enabled him in the storm of war and amid the passions of party strife to be steadfast and immovable for the things he believed to be right, even though it placed him many times in opposition to the more radical manifestations of his party's policies.

In his youth Cowan was an omnivorous reader. He levied tribute on all the libraries in his community for miles around, so that when he entered upon his profession he was equipped with a scholarship far beyond the technical knowledge contributed by his college curriculum, and had that breadth of view, that readiness of perception, that aptness of illustration and that play of the imagination which made his conversation, his counsels and his public address so convincing and luminous.

It was Mr. Cowan's wont, when he came in contact with a young man of aspiration and promise, to invite him to his office and give him the range of his large and very well selected library and stimulate his interest in the books that were worth while. Learning was to him, and to those young votaries whom he invited, an altar deserving the best offerings of brain and energy and many a taper, afterwards to become luminous, was lit at that altar at which he delighted to perform the priestly function.

Mr. Cowan's devotion to his mistress, the law, did not prevent his inquisitive mind from running off on side excursions far removed from the main track of his professional thinking. It was characteristic of him, as on one occasion it actually occurred, when he came to the Court House on a professional errand that he suddenly suspended his employment to press the point of his staff with his whole strength against a solid wall and while he was revolving the problem of natural philosophy in his mind, to inquire of the bystanders which exerted the greater force, his feet upon the floor or his staff upon the wall?

But for most of the period of his life it was Cowan the lawyer who focussed the gaze of a constituency that extended far beyond his immediate environs. He was a good lawyer with a large and varied practice. An inspection of the records of the courts during his forty-two years of practice discloses a clientele resident in all parts of the county. But it was in the contentious, rather than in the voluntary jurisdiction of the courts that he acquired his greatest fame. In the middle forties the bar classified very much as it does now, in this respect; the many preferred and followed an office practice; the few had the predilection, the learning and the ability for the trial of cases. Cowan belonged to this latter class. As a case trier he belonged in the class with Henry D. Foster, who was the greatest trial lawyer of his day at the local bar. Others of his antagonists in his early days were John F. Beaver, H. P. Laird, the elder Armstrong, Joseph H. Kuhns, Judge Jeremiah M. Burrel and the Marchands.

Eighty years ago there were few Pennsylvania cases to be used as precedents in current trials. The lawyers of that day tried their cases on abstract legal principles to which they sought to make their cases analogous rather than as we seek to do today, cite a long list of cases that are claimed to be "on all fours". That was the golden age when the genius and learning of Chief Justice Gibson, Justice Coulter, from the Westmoreland bar, and Justice Black, from the Somerset bar, and others were rescuing these general principles from their obscure setting and giving to them an application and sanction which made the Supreme Court of Pennsylvania famous and which induce the practitioners of our day to rise up and call them blessed.

That Mr. Cowan was famous as a trial lawyer appears from the large number of cases he tried in the first decade of his practice. That he wielded a keen blade and was a militant foeman is evidenced by the fact that he was usually pitted against Gen. Foster. That he had decided convictions as to what the law was and the courage to seek their vindication appears from the fact that in the first five years of his practice he appeared in fourteen cases in the Supreme Court, in twelve of which he was for appellant and in two of which he was for appellee. He lost seven and won seven of the cases.

Mr. Cowan was famed as an advocate before the jury. He had a resonant voice of great volume. He had an impressive presence. He had a keenness of logic, a ready wit and a knowledge of human nature,— qualities that in combination presented an appeal to the jury that was well nigh irresistible.

COWAN, THE STATESMAN

The American statesman who attains place and distinction usually looks back over a long and rugged trail which spans the period of his active life. When he has arrived the far cry he hears harks back along the pathway he has traversed to the place of its origin, the political ward or district in which he had his political beginning. It has been said that "some men are born great, some achieve greatness and some have greatness thrust upon them", but greatness in the sense of political preferment is more often achieved than either inherited or adventitiously bestowed. There are too many veterans that have endured much tribulation, that bear the scars of the strife and have conned every lesson of political strategy, whose hands are outstretched for the same prize to permit the neophyte in politics to grasp it.

But Edgar Cowan's election as United States Senator from Pennsylvania was exceptional. Simon Cameron, then in the Senate, was a veteran politician who had come to his place by long and labored political experience. David Wilmot, Cowan's chief competitor for the place, was a statesman of national reputation who had been long in public life. Cowan came into the arena never having held office, except that of school director, with only such acquaintance and experience in politics as he gained as an orator in state and national campaigns in his immediate locality, and as an elector in the electoral college that elected Lincoln to the presidency. In the presidential campaign of 1860 Cowan's friends let it be known that he was a candidate for the U. S. Senate. Col. A. K.

McClure was chairman of the state Republican committee and was deeply interested in the election of Andrew G. Curtin for Governor. His election in October gave great impetus to the Republicans who carried the state for Lincoln for the presidency in the following November. Cowan, as a forceful campaign orator was in great demand in the western part of the state.

Governor Curtin and Senator Cameron had long been bitter political rivals and enemies, and Cameron desired to become a member of Lincoln's cabinet. Curtin was anxious to reward his friends with places in his own administration. Cameron desired recognition in the Curtin cabinet and a compromise was effected by the selection of Samuel A. Purviance as State Attorney General. Cameron also desired to have a strong man elected as his colleague in the United States Senate. When the contest waxed warm between Cowan and Wilmot, Senator Cameron rallied his friends to the support of Cowan and effected his election.

On the 4th day of March, 1861 Mr. Cowan took his seat in the senate as a Republican. The southern states were in revolt. On the 12th day of April, South Carolina fired on Fort Sumter and the war was on. There developed immediately in the dominant party a coterie of radicals led by Senators Charles Sumner, of Massachusetts, Lyman Trumbull of Illinois, Benjamin Wade of Ohio and others who introduced and supported extreme measures designed to coerce the southern states, among which were the suspension of the habeas corpus, the arbitrary executive appoint-

ment of provisional governments in the southern states, the confiscation act, and others. Although belonging to the party that sponsored these acts Cowan steadily opposed them as being not only impracticable, unjust and unwise, but also unconstitutional.

His first notable revolt was on the bill introduced by Senator Sumner to authorize the president with the advice and consent of the senate to appoint a governor and three judges who shall exercise executive, legislative and judicial power and be constituted provisional governments in the seceded states. On the 7th of July, 1862, Cowan, opposing the bill on constitutional grounds said:

“There is no authority under the constitution to do these things. This bill absolutely reduces the states in this union to provinces. It overthrows the whole state machinery. It governs them by an executive and legislative department and sends them judges not chosen by themselves, not appointed in pursuance of their constitution and laws. * * * But the senator from New York now comes and asks for the passage of a law that absolutely temporarily blots out of existence those sovereign states and reduces them to provinces—to a condition worse than the provinces of Rome when they were governed by their worst pro-consuls; and he calls that republicanism. I ask those who advocate this bill to point me to the clause in the constitution that will authorize it. There is no such clause. I boldly proclaim it * * * I hold that this is a war of rescue; for the restoration of power to the hands of the loyal people within the rebellious states, and it is not a war for the subjection of any state.”

He next voiced his opposition to the effort to indemnify the executive officers of the government in suspending habeas corpus. In March, 1863, addressing the senate, he said: "It seems to me that if we of the dominant party were more tolerant of the opposition, and instead of taking pains to insult their beliefs and misrepresent their opinions we should carefully avoid any allusion to them whatsoever, we would soon disarm that opposition."

This was Cowan's attitude upon every measure introduced designed to bait the south and asperse the loyalty of the Union Democrats of the north, and he constantly insisted that bitter sectional and partisan attacks did more to alienate the Union sentiment in the south and drive it to unwilling support of the Confederacy and defeat the magnanimous policy of President Lincoln, than anything else.

But perhaps the speech of Mr. Cowan that will rank highest was his speech delivered in the senate on the 27th of June, 1864 on the bill championed by Senator Lyman Trumbull of Illinois. In an address that ranks among the ablest ever delivered in the senate Mr. Cowan insisted that there was no legislative power in congress to confiscate the property of the citizens of the seceded states. That it contravened the law that treason shall not work corruption of blood and destroy its heritable quality and, if justifiable at all, confiscation could only be justified as a war measure by executive, and not legislative act. It was in this debate that Senator Hale of New Hampshire paid this tribute to Mr. Cowan: "My friend from Pennsylvania is a man, whatever may be his

politics, of remarkably clear intellect; and when he has not suffered his intellect to be led away by the absurdities of black-letter English law, I have no doubt is a good lawyer."

In the same speech this episode occurred: Mr. Cowan proceeding, said: "I do not know that Jefferson Davis ever prays, but if he does, I have no doubt he would pray—

Mr. Wade of Ohio, interrupting: "Pray for just such an advocate".

Cowan in retort: "Pray for just such a statesman as the honorable senator from Ohio, the most effective ally he ever had or could have,"

Mr. Cowan's opposition to the measures above mentioned, the "National Bank", "Legal Tender", "Tenure of Office," "Civil Rights" and "Freedman's Bureau" acts and particularly the "Reconstruction" acts, all party measures completely alienated Mr. Cowan from his party, and from the expiration of his term in 1867 until the close of his life he became and remained a Democrat. It was said of him by one of his distinguished party colleagues that if Cowan had been amenable to party discipline nothing would have prevented him from becoming president of the United States."

At the close of his political life Mr. Cowan resumed the practice of law. In 1874 he was prominently mentioned for election by the Democratic party, then in power, to the United States senate. The New York Tribune said: "Upon the subject of United States senator within the last week the name of Edgar Cowan has been more frequently mentioned than

any other candidate. As a lawyer and a statesman Mr. Cowan is the peer of any man in the commonwealth and if there be a man in the state to whom more than another the Democrats owe a debt of gratitude, it is Edgar Cowan. Mr. Cowan has given evidence of more ability, manifested more nobility of nature, and exhibited more nerve and independence than any Pennsylvanian that ever filled a seat in the United States senate, and his election to a seat in that honorable body at this time would do honor to the Democracy and be greeted with joy by a large majority of the people of the Keystone state." The election, however, went to Hon. William A. Wallace of Clearfield county.

Mr. Cowan died on the 31st of August, 1885 from a malignant cancer of the throat, mourned by a large circle of friends who revered him for his honesty, admired him for his commanding ability, and had often been thrilled by his eloquence.

HON. HARRISON P. LAIRD

Harrison Perry Laird was born of English, Scotch and Irish lineage in Franklin Township, Westmoreland County, Pennsylvania, in 1814. He was graduated from Jefferson College, Canonsburg, Pennsylvania, after which he entered Transylvania University, taking a course of lectures. While in University he assumed the principalship of Madison Academy for one year; then returning to Pennsylvania he entered the office of Hon. Charles Shaler in Pittsburg, and after completing his legal studies he was admitted to the Allegheny County Bar. He at once removed to Greensburg and was admitted to the Westmoreland Bar at May Term, 1842.

Mr. Laird came of distinguished parentage. His father Rev. Francis Laird, D. D., was one of the celebrated ministers of the Presbyterian faith who, coming from Adams County, Pennsylvania, settled as pastor of the Poke Run and Plum Creek churches, and with Rev. Dr. David Kirkpatrick, Dr. Hill and others gave strong moorings to the Presbyterian faith in Western Pennsylvania. His mother was Mary, a daughter of Hon. John Moore, the first President Judge of Westmoreland County.

Contemporary with Mr. Laird in the practice of the law were such eminent masters in the profession as Senator Cowan, Henry D. Foster, Albert G. Marchand, Judges Richard Coulter and J. M. Burrell, the last of whom, Senator Cowan, he survived by twelve years. He is yet remembered perhaps by a majority of the present Bar.

Mr. Laird was a cripple from his youth and was thereby deprived of those physical resources and pleasures in which strong active men indulge themselves, and he sought his distraction in the cultivation of a studious, acquisitive mind. He had a vigorous intellect, a good education and scholarly tastes, and when not engrossed in the problems of his profession he was more likely to be found in profound study of Bacon's "Novum Organum," Hegel's "Philosophy of History," Kant's "Critique of Pure Reason," or, on the Sabbath day, the Greek Testament, than in any of the lighter classes of literature. In his last political venture, his candidacy for the state Senate in 1880, in a printed campaign document he circulated to further his candidacy, he said: "There are no depths of wisdom I have not sought to plumb; no systems of philosophy I have not sought to explore, no ramifications of science I have not attempted to follow." It was literally true. With no close family ties, with few excursions into business other than his profession, with little taste for social life or polities, the impulses of his mind drove him to these profound studies, to most men irksome, but to him a real source of mental exhilaration.

Mr. Laird was a thoroughly capable lawyer. He gave close and intelligent study to his cases and was never caught unawares for want of preparation. His appeal was to the reason of his jury. He made no attempt at eloquence or appeal to the emotions. He had no aptitude at such appeals, if indeed he did not despise them as having no legitimate function in an argument. His mind ran in a single track of pure

cold reason to its terminal without switches or side tracks for side excursions afield. If a jury could follow him he was convincing. If they missed any of his premises, did not keep pace with his deductions, or their stock of patience became exhausted, they might not agree with him in his conclusions. But to the judge, learned in the law, and familiar with logical processes, his argument was always forceful. He was impatient of interruption from the court, and if the court, understanding his position, sought to curtail his argument and expedite the cause, would remark, "We understand your position, Mr. Laird, we will hear from the other side." Mr. Laird would begin again by saying, "When your Honor interrupted me I was about to remark," etc., and would continue his argument until he thought it was properly rounded out.

An outstanding quality of Mr. Laird was his persistence. No client was ever heard to complain that he was a quitter. If he thought he was right in his contention neither obstacles that piled up like Ossa upon Pelion, nor labor that was herculean, nor time that lengthened in its flight furnished any justifiable reason for cessation of the combat. Moreover, after a contest was fought to a finish Mr. Laird's opponent was always ready to concede that he had been in a fight of some magnitude, and even if he had come off victorious he was glad to retire until his bruises ceased to hurt and his wounds could be mollified until they healed.

Mr. Laird was elected to the lower House of the Pennsylvania Legislature in 1848, and was re-elected in 1849 and 1850 as a Democrat. His assignments

were to the most important committees. He was made a member of the Judiciary committee and was chairman of the committee on Banking, during which service he was the author of the banking law of 1850, some provisions of which were written into the National Bank Act. In 1880 he was elected to the state Senate and served the four-year term which covered part of the term of Robert E. Pattison, elected Governor in 1882.

Mr. Laird was charitable, without ostentation. He was kind to the poor. Many deserving ones were the recipients of his helpfulness. But he was no meal ticket for the idle who were able but unwilling to work. His caustic rebuke to such sent them packing without any inclination to return. But to the faithful servitor who had the quality of loyalty, even when mixed with some human frailties Mr. Laird was kind and considerate. For a long period of his life he was served by a witty Irishman familiarly called Jimmie Canady, who was quite a local character. Jimmie was fond of the cup that inebriates, and, on occasions, would over-indulge. On one occasion while a revival service was being conducted by Rev. Dr. J. F. Core in the M. E. Church across the street, Jimmie wandered into the church and sat down in a rear seat, and he related the incident that followed: "Just as I sat down the Dominie announced his text: 'Come unto me all ye that labor and are heavy laden, and I will give you rest,'" and he looked straight back at me, I guess he knew that I had a load on." Notwithstanding this venial fault Mr. Laird retained Jimmie in his service, and when he died he gave him a respectable burial.

But for reasons sufficient to himself, Mr. Laird was not a general supporter of organized charity. He would take no risk of his gift being wasted in administration or being mismanaged, and therefore, unless his judgment commended the object as well as the management, his purse was not open to general appeal. But he was a liberal supporter of the Reformed church to which he belonged, and its educational and theological institutions. These had the sanction of religion, and he was a deeply religious man. But even educational institutions had appendages against which he discriminated. When the football team of Franklin and Marshall College solicited from him a subscription for their equipment he replied: "There can be no objection to students playing ball for an hour at noon, but to make a business of athletics is detrimental not only to the students but to the institution that permits it. You cannot coordinate beef and brains; the one man in Rome whom the great Caesar most feared, Cassius, had a lean and hungry look."

Hon. John B. Head soon after his admission to the Bar formed a partnership in practice with Mr. Laird which continued until April 1st, 1882, when Judge Head entered into partnership with Hon. Jas. S. Moorhead, which continued until Judge Head's accession to the Superior Court Bench in 1906. Mr. Laird and John B. Keenan, Esq. became associated as Laird and Keenan, which partnership continued for several years. Mr. Laird continued in practice until his death on the 16th day of October, 1897, a term of 55 years of professional life.

WILLIAM HENRY HARRISON MARKLE, Esq.

William Henry Harrison Markle, was born in Sewickly township on the third day of February 1823, of Scotch and German lineage. He was educated in the common schools. He read law with Hon. Edgar Cowan and was admitted to the Westmoreland bar at August term, 1847.

Mr. Markle's ancestors were pioneers of Westmoreland county both as settlers and industrialists. They settled at an early date on the banks of Sewickly Creek at Millgrove. General Joseph Markle, in partnership with Simon Drum, in 1811, established and operated for many years the third paper mill built west of the Allegheny mountains. This paper mill was operated at Millgrove with a branch at West Newton until recent years. General Joseph Markle also operated a grist mill and was an extensive farmer. He organized a company of cavalry of which he became captain and did distinguished service in the war of 1812. He and his command received the thanks of General Harrison for their good conduct in which he found as much reason to applaud their steady and subordinate deportment in camp as their coolness and valor when opposite to the enemy. General Markle was afterwards promoted by election as Major General of the Pennsylvania militia. In 1844 he was nominated by the Whig Party for Governor, but was defeated by Governor Francis R. Shunk. General Joseph Markle was the father of the subject of this sketch.

Beginning the general practice of law on his admission Mr. Markle continued without interruption to

practice his profession for a period of 46 years. He entered into partnership with James C. Clarke, Esq., which continued for several years. Afterwards he became a partner of Judge James A. Logan and at the time of his death was in partnership with his son-in-law, Hon. Welty McCullogh.

Mr. Markle was methodical, attentive to business and attained a large practice and considerable prominence as a lawyer. The only political offices he held were the offices of District Attorney and Collector of U. S. internal revenue. He was a stalwart Republican in politics and contributed a leading part to the rising fortunes of his party in Westmoreland county, although he died just previous to the political overthrow of the "Democratic Star of the West."

Mr. Markle was endowed with a genial disposition and was very popular with his brethren. His smile and his greeting were benedictions which chased away gloom and softened the asperities constantly arising between practitioners of a contentious profession. He had his professional difficulties and reverses but was philosopher enough to bear them with equanimity, and he looked upon life as a "chaplet of little miseries, which the philosopher strings, and sings as he strings them." Mr. Markle was always ready to bargain rather than to fight, but he held his own either in a compromise or a fight.

When the war of the Rebellion was at an acute stage Mr. Markle was in middle life and in the midst of his professional career. The spirit of patriotism among the young men of the county seat who had not enlisted or been drafted ebbed and flowed as the vicis-

situdes of the conflict were announced. Upon one occasion when the Union troops with whom the local company, then out in the service was brigaded, had won a victory and had attained distinction, the stay-at-homes were fired with the desire to enlist and tender their services to Governor Curtin. They assembled in the Court House to the number of a military company and elected Mr. Markle their spokesman to announce to the Governor that they were ready to enter the service. He at once notified Gov. Curtin, who immediately accepted the company and announced that transportation to Harrisburg would be at the depot for them to entrain the next morning at 9 o'clock. Mr. Markle assembled the company at the arbitration room—a large room in the Court House, having two or three exits. He read the telegram to the boys that indicated the Governor's acceptance of the company, and then, as he looked in their faces, suddenly blanched by the realization that they were about to face the "purple testament of bloody war," and he saw one after the other steal out of the room, he prophetically remarked: "Boys, I am afraid this news is going to break this company up," and it did.

Mr. Markle was a good citizen, deeply interested in the civic welfare of his community, and a loyal churchman. He accumulated considerable wealth. He was democratic in manner and disposition and was readily approachable by the younger members of the bar. While his eye and his intellect were yet clear, his natural force unabated, and while yet in the midst of a busy practice he was suddenly stricken with paralysis, and died in Philadelphia on the 18th day of December, 1883.

HON. JAMES C. CLARKE

James C. Clarke was born in Laughlinstown, Ligonier Township, Westmoreland County, Pa., February 2, 1823, of Scotch and Irish parentage. He was prepared for college by Rev. Dr. David Kirkpatrick, an eminent Presbyterian minister who taught mathematics and the classic languages to many young men who afterwards attained eminence in the ministry, the law and other learned professions. Resort to some of the learned divines in that early day was the only means of attaining academic training, there being but a few scattered academies and no high schools. Mr. Clarke entered Jefferson College, Canonsburg, Pa., and was graduated in 1843. Among his classmates were Ulysses Mercur, afterwards Chief Justice of the Supreme Court of Pennsylvania; Gen. J. Bowman Sweitzer, and others. Jefferson College was an eminent institution of learning and prior to the war drew a large student body from the southern states. Clement L. Vallandigham, the brilliant orator and statesman from Ohio, who was by the judgment of a court martial banished from his state to the south for his virulence against the Lincoln administration, was a fellow student of Mr. Clarke in Jefferson College. Mr. Clarke entered the office of Judge Richard Coulter, then at the zenith of his fame as a practicing lawyer, and was admitted to the bar at February term, 1846.

James Clarke, father of the subject of this sketch, was prominent in the business and political life of the first half of the nineteenth century. He was one of the pioneers of the charcoal iron industry which was ex-

tensively carried on in the vicinity of Laughlinstown. A number of the old furnace stacks may yet be seen, extending from where the Tub Mill creek emerges from the mountain, all the way to Linn's run at Mechanicsburg, and the charcoal pits are visible along every road that crosses the Laurel mountain to Somerset County. James Clarke, Sr., was State Canal Commissioner and president of the Monongahela Navigation Company and the Union Canal Company for a number of years. The Pennsylvania Canal extending from Pittsburg to Philadelphia, with its portages, was the principal means of transportation of heavy freight from the eastern to the western part of the state and beyond. In 1833 the elder Clarke came within one vote of election to the United States Senate, James Buchanan being the successful candidate.

Soon after coming to the Bar, Mr. Clarke was employed by the Pennsylvania Railroad Company in procuring title to the land on which its tracks were laid, and the deeds on record show that the purchases and settlements with the farmers were procured by him for almost the entire length of the railroad through the county. He remained solicitor for the railroad company until the middle 60's, when the office was taken over by James A. Logan.

Mr. Clarke had a large practice for that day, so long as he continued to give his attention to the law. It was chiefly a practice that busied him in the office, advising clients in the conduct of their business, leading to amicable adjustment of their difficulties outside of, rather than by resort to the courts. He had a well balanced mind and a sound judgment and his counsel

and advice was much sought and relied on by business men who had learned to value his opinions as formed upon matured reflection rather than as the product of first impression or partial view of the facts and considerations pertinent to the matter under advisement. This reflective cast of mind, the habit of thinking things through, inspired the confidence of the court and his colleagues at the Bar and resulted in many difficult matters being referred to his decision as master, referee and auditor.

In 1873 a most disastrous panic swept over the country, precipitated by the failure of the great banking firm of Jay Cooke & Co., of Philadelphia. Many of the banks of the country failed, entailing extreme distress. Gen. Richard Coulter, and Judge Clarke organized the Greensburg Banking Company, taking over the assets and the banking business of Lloyd Huff & Company who had gone down in the panic. Several years afterwards Hon. George F. Huff was admitted into partnership. Judge Clarke gradually ceased the practice of law and became and continued president of the bank the remainder of his life. This substantial old banking partnership was dissolved by the death of Judge Clarke and its affairs liquidated. Meanwhile these gentlemen, with some associated capital, in 1882 organized the First National Bank of Greensburg, of which Gen. Coulter became president and Judge Clarke vice-president. It still continues in business as one of the strongest financial institutions of Western Pennsylvania. Judge Clarke was also in the later years of his life engaged with the same associates in the coal and coke business in Westmoreland County.

In 1874 Judge Clarke was elected as a Democrat to the State Senate of Pennsylvania, and re-elected in 1876, serving until 1881, when he was succeeded by Hon. H. P. Laird. He did not take active part in the debates, but his judgment was sought and deferred to in the important legislation enacted to conform the statute law of the state to the constitution, theretofore recently adopted. Among the strong men who were his colleagues in the Senate were Simon P. Wolverton, Robert C. Allen and George V. Lawrence.

Judge Clarke was not often deceived in his estimate of men. As a banker he was very frequently called on to determine the safety of loans. This involved the business habits and moral worth of applicants for loans as frequently as it did an estimate of the value of collateral or property to secure the repayment of the loan. He made many loans to individuals without any financial backing but solely on the security offered by the integrity and promptness of the man. On one occasion he remarked to the writer that some men with no property had a better basis of credit with him than others with \$10,000 of unencumbered real estate behind them. His judgment of men was seldom found to be misplaced by the loss of the loan.

With the exception of a single year, Judge Clarke served continuously on the school board of Greensburg from 1851 to 1881, and took great interest in the schools. By his visits and informal talks to the children in the school room his was the most familiar face to that generation of any of the residents of the town except his colleague on the board, J. J. Johnston, Esq.

He was a life member of the board of the "Underwood Donation Fund." He took great interest in his church, the United Presbyterian, and it was largely through his helpfulness that it acquired its local habitation and name in Greensburg.

Judge Clarke sustained a severe injury in 1881 which rendered him a cripple the remainder of his life. He continued actively engaged in business, in civic and church activities up to the date of his death, 23rd April, 1893.

GEN. RICHARD COULTER

General Richard Coulter was born in Greensburg, Pa., in October, 1827, of Scotch-Irish extraction. He was educated at Jefferson College, Canonsburg, Pa. He read law with his uncle, Hon. Richard Coulter, afterwards a Justice of the Supreme Court of Pennsylvania, and was admitted to the Westmoreland Bar at February Term, 1849.

A diamond cut with many facets, has its brilliancy vastly increased thereby. As we view the capacities and employments of Gen. Coulter in a long and arduous life, we are impressed with the fact that he was a many-sided man, and in each of the aspects of his busy life in which we view him he displayed an equal brilliancy. As a soldier, he possessed the dash, the courage, the tactics, the strategy, the quick perception and the sound judgment that constitute the makeup of a great commander. As a lawyer, he had the native ability and learning that would have made him a leader at the bar if his energies had not been deflected for such long intervals to other pursuits. As a banker and business man, he had few equals and no superiors in those qualities of farsightedness, shrewdness and sound judgment which are the essential qualifications of the Captain of Finance and Industry.

For this versatility, Gen. Coulter was indebted to Nature, to education and to fortunate environment. From the father's stock he descended from a race of business men. The mother was an Alexander, a sister of Major John B. Alexander, the Nestor of the Westmoreland Bar of his day, and a warrior of bravery and

distinction. In educational advantages he sat at the feet of the learned masters of old Jefferson College, who had trained so many men who became distinguished as statesmen, jurists and theologians in after years. In worldly fortune and social standing he was singularly blessed, while in the home life of his youth he had the counsel and admonition of a saintly aunt whose alms—deeds and piety are yet spoken of with reverence.

While a youth of but little more than 19 years Mr. Coulter enlisted as a private in the "Westmoreland Guards" for service in the Mexican War. On the 8th of January, 1847, these with other troops from Southwestern Pennsylvania, embarked at Pittsburgh for the front, and reached Vera Cruz on the 9th of March. On the 22nd of March, 1847, the army stormed and received the surrender of Vera Cruz. The army followed the retreating Mexicans and stormed and captured the heights of Cerro Gordo in April. During the summer of 1847 the army fought and won the successive battles of Couterras, San Antonio, Cherubusco, Molino del Rey and Chapultepec, and on the 14th of September, 1847, the army under General Winfield Scott made its triumphal entry into the City of Mexico. In all these battles Gen. Coulter and his company participated.

A letter written by Coulter while in Mexico to his lifelong friend, James C. Clarke, will illustrate his sentiments as a youth. He writes: "Dear Jim: By this boat, Capt.—of Boston, Mass., is coming north, and will stop in Greensburg on his way home. Give him the cold shoulder and the stony eye. He is a

coward and a snob. By the same boat will come Lieut. _____, of Philadelphia. He is a gentleman and a brave soldier. Show him all possible courtesies. Introduce him to the girls, and arrange parties for him. He deserves it and will appreciate it."

After his return from the Mexican War, Gen. Coulter entered upon the practice of the law and was busily engaged until the breaking out of the Civil War. His practice was largely in the civil courts. He had a good practice and was an able lawyer. He was particularly conversant with corporation law under which form of organization in his later life many of his business enterprises were carried on. His profound knowledge of the powers, functions and obligations of corporations is illustrated by the following incident that occurred in the City of Birmingham, Alabama, in the late 80's. Himself and some business associates went to Birmingham and organized a large coal and coke industry in the environs of that city. They went to a leading firm of corporation lawyers to employ them as counsel to incorporate and counsel the proposed corporation. The senior member of the law firm was a distinguished southern general. Gen. Coulter, in detailing to him the purposes of the proposed corporation and the powers they desired to exercise and have granted, incidentally discussed corporate franchises, powers and obligations at some length. When taking his leave Coulter said: "But, General, you know what we want, and the powers we can get, and you will advise us fully as we go along." At the close of the interview and after Coulter had gone, the senior member of the law firm lay down on a couch and heaved a

deep sigh. The junior member turned to him and said: "You seem tired, General. What is the occasion?" "Tired?" said the General; "I never was so tired and apprehensive in my life. That gentleman wants us to advise him in corporation law. Why, he knows more corporation law than any lawyer I know."

When President Lincoln called for volunteers after the firing upon Fort Sumter, the old Eleventh Pennsylvania Volunteer Regiment was formed within a week after the call. Coulter became captain of Company I, and some time later was elected lieutenant colonel of the regiment. On the 26th of April, 1861, it was mustered into service. It was at once sent to the front on the Potomac river and received its first baptism of fire at the battle of Falling Waters.

When the three months' enlistment expired the regiment re-enlisted. It was tenacious to hold its name, the Eleventh Regiment. Its right to do so was disputed. Its number on re-enlistment would have been the 51st Regiment. The regiment insisted on its right, and Gov. Curtin made the order that "The Regiment of Pennsylvania Volunteers commanded by Col. Coulter will continue to be known as the Eleventh Regiment. Pennsylvania Volunteers." Thereafter this regiment was known as the "Old Eleventh" and the other like numbered regiment of infantry as the "Eleventh Reserves."

The Regiment remained in the service under the command of Gen. Coulter until the close of the war, being discharged on the 6th of July, 1865. It participated in the battles of Cedar Mountain, Rappa-

hannock Station, Thoroughfare Gap, Fredericksburg, Chancellorsville, Gettysburg, Mine Run, Wilderness, Spottsylvania, North Anna, Tolopotomy, Cold Harbor, Bethesda Church, Petersburg, Weldon Railroad, Dabney's Mills, Hatcher's Run, Boydton Plank Road, Gravely Run, Five Forks and Appomattox. It is doubtful if any regiment in the was equalled the "Old Eleventh" in dangerous service. Gen. Coulter was wounded at the battle of Fredericksburg, again at the battle of Gettysburg, and the third time very severely, at the battle of Spottsylvania. After this battle he was invalided home. While still confined to bed under the doctor's care, he learned from the morning papers that Grant was about to make a forward movement from Spottsylvania with Hancock's corps to which his regiment belonged. He hastily got out of bed, donned his uniform and, against the protests of the doctor and his Aunt "Peggy," prepared to return to his regiment. As he was hobbling up the car steps his aunt handed him a pocket Bible and requested him to read it, as he was constantly subject to the danger of death in battle. It affected him deeply, and he said to her: "Aunt Peggy, you stay at home and do the praying and I'll go to the front and join the fighting, and, between us, we will lick the life out of the Rebels."

After the war Gen. Coulter came home and engaged in business pursuits the remainder of his life. In 1873, with Geo. F. Huff and Judge Clarke he organized the Greensburg Banking Co., and in 1881, with the same and some others, the First National Bank of Greensburg. The same triumvirate organized the

Greensburg Coal Co., and the Carbon Coal Co., and he became an organizer of the Hempfield Coal Co. With the exception of the Greensburg Banking Co., which went out of business in 1893, he remained connected with these corporations the remainder of his life.

Mr. Coulter never sought political office. He served on the school board and on the borough council. He helped to incorporate the St. Clair Cemetery association, and was an original appointee and life member of the "Underwood Donation Fund," a charity founded by Morrison Underwood, the income of which was devoted to the Greensburg high school, and to furnish reading matter to the inmates of the County Home.

Gen. Coulter had a keen zest for social life, and in his younger days was fond of a frolic. A splendid sleighing snow came one Christmas and he wanted a sleigh ride which, of course, to his ardent nature was only enjoyable when the driving was fast. He proposed to Judge Clarke and Ned Keenan that they go sleighing. It was objected that the borough ordinance forbade fast driving. He then proposed that as the three of them were on the borough council, and were a majority, that they repeal the ordinance until they took the sleigh ride and then re-enact the ordinance. This they did with all due form and solemnity. The sleigh ride was fast and furious, after which the ordinance was duly re-enacted.

A sincere affection existed between Gen. Coulter and the veterans of his regiment. His purse was always open to their modest requirements. Under a some-

what bluff exterior he possessed a heart as tender and sympathetic as a woman's. His old time associates and friends knew his sterling worth, valued him for his qualities of head and heart and the life he lived as a patriot, citizen and vigorous personality in the community. Full of achievement and full of years, he died on the 14th day of October, 1908.

JOHN ARMSTRONG, Esq.

John Armstrong was born in Greensburg, Pa., of Scotch-Irish lineage on the 11th of August, 1816. He was educated in the Common Schools and in Greensburg Academy and in Jefferson College, Canonsburg, Pa. He read law with his father John Armstrong, Sr., who was a lawyer of prominence, and was admitted to the Bar at February Term, 1840.

Mr. Armstrong was diffident and retiring in disposition, never seeking the spotlight, or wrestling with others of his brethren to secure a place in the contentious forum of the Courts, and hence, although possessing the quality of a keen reasoner, he was not an advocate. His forte lay in the quiet of the study where the sudden emergencies of the unexpected in evidence or the necessity to suddenly invoke and apply a principle of law to meet the emergency in a trial at law did not confront him; but where the facts had been developed and time availed to sift and analyze them and weigh them in relation to the law applicable, and thus mature his judgment. His practice therefore did not take him before juries in the Court when crowded with suitors and witnesses, and he was less widely known than others with less ability but more pretension.

Mr. Armstrong was a close student and a thorough lawyer. It was characteristic of him that although he gave a problem the most careful study and arrived at a conclusion; although he devoted a sensitive ear and attentive mind to the oracles delivered by the priestess of the Law, like the Delphian inquirer, he was not always sure he correctly interpreted her meaning. This was not because his vision was not clear but because the law was obscure, and his modesty ascribed his want

of assurance to the infirmity of his powers rather than to the obscurity of the law.

It is a comfortable feeling but an unsafe guide to yield to the impulse of cocksureness, Lord Melbourne, Prime minister, early in the reign of Queen Victoria, troubled with grave questions of the state, listened to Lord Macaulay with all the assurance and abandon of youth dashing into the parliamentary debate on the Reform bill, and delivering oracles of state-craft with all the assurance of an experienced statesman. After Macaulay's speech was ended Melbourne turned to his colleague in the ministry and said, "I wish I could be as cocksure of anything as Tom Macaulay is of everything."

Mr. Armstrong did not possess this feeling of cocksureness. He did everything he could to get right; he thought he was right, and he usually was right. At one time he had occasion to apply to the Orphans' Court for the private sale of the interest of a minor in real estate. The interest was somewhat complicated by the will of the ancestor and the question was whether the exigency had arisen which gave the court jurisdiction to make the decree. The court asked him, "Are you sure you are right, Mr. Armstrong?" "No, your Honor," he replied; "I am not sure, but I believe I am right." The court replied, "You may take your order." On another occasion exceptions had been filed to his report as auditor distributing an estate. Counsel, arguing his exceptions, was interrupted by the court asking, "Who was the auditor?" "Mr. Armstrong," said the counsel. The court thereupon dismissed the exceptions and confirmed the report.

This exhaustive study of legal questions gave the Bench and Bar great confidence in the judgment of Mr. Armstrong, and led his brethren frequently to seek his opinion on intricate questions. It also resulted in complicated questions in equity, in the Orphans' court and in the law side of the Court of Common Pleas being submitted to his judgment as master and auditor by agreement of counsel or by the court on their own motion. These employments together with an office practice of considerable extent kept him in the harness as a very busy man up until the time of his death.

Mr. Armstrong was a man of scholarly tastes. He was fond of reading and had a well selected library. He had a taste for dramatic entertainments and was a frequent patron of the theatre when high-class entertainments were on the boards. He was interested in education and for many years he served on the board of trustees of the Greensburg Academy as secretary of the board. He was also a member of the board of trustees of the Morrison Underwood Donation Fund. He had no political aspirations and never held public office.

Mr. Armstrong was a gentleman of the old school, dignified, of commanding appearance, courteous, easy of approach, kindly, genial and companionable. He lived a quiet uneventful life, keenly interested in the educational and civic welfare of his community. He was a lifelong member of the Presbyterian church, in the religious activities of which his support was always to be counted upon, and in every respect he was a model Christian. He was Republican in politics. He died after a brief illness at his home in Greensburg on the 3rd day of August, 1889.

HENRY CLAY MARCHAND

Henry C. Marchand was born of French Huguenot stock on the 9th day of March, 1819. He was a son of Dr. David Marchand, who represented Westmoreland County in Congress in 1816 and 1818 and who later was Prothonotary after his service in Congress expired. Henry C. Marchand read law in the office of his brother, Hon. Albert G. Marchand and was admitted to the Bar at May Term, 1840. He immediately entered into partnership with his brother Albert G., who was the founder of the Marchand firm, the longest continuous succession of associated lawyers at the Westmoreland Bar. The business was founded in 1833, and at present survives under the firm name of Gaither, Portser & McConnell.

Henry C. Marchand soon after his admission to the bar and to the partnership, on the death of his brother, Albert, assumed the responsibilities of a large practice. It was a weighty burden for a young man, but he broadened his shoulders, strengthened his mental sinews and adjusted his pace to meet the exacting demands upon him. There was a gravity of manner, an unflagging zeal, a devotion to hard work, that characterized Mr. Marchand that indicated that he had met and had been sobered by responsibility early in life, and that relaxation could only be indulged when the day's work was well and completely done.

Mr. Marchand was a hard worker both by inclination and by necessity. During the period of his whole life he had a large practice. Perhaps more clients came to his office every day than to any of his contemporaries. While he was frequently in court in

the trial of cases, he was more busily engaged in his office with his clients in their buying and selling of lands, keeping them out of court by the adjustment of their differences with others, the settlement of estates of the dead and administration of trusts for the living. In the latter period of his life it was no unusual thing to see his firm settle at least one-third of all the administration accounts of decedent's estates at each term of the Orphans' Court.

One of the notable things of Mr. Marchand's professional life was the unswerving fidelity of his clients. When they came to him they stayed with him as long as he lived to serve them. There were adequate reasons for this, and these reasons constitute the very elements that build up and hold a steadfast clientage. He was prompt in forwarding his clients' interests. In the multiplicity of his employments he never forgot that the client was thinking about one thing—the thing he had committed to his lawyer's care. He was careful, wise and able in counsel. He was absolutely honest. He graduated the reward for his service at what it was worth, rather than what the client could or might be made to stand. A scrupulous conscience was called into consultation and had its say when the labor, the learning, the time and the results attained were appraised in fixing the compensation to be paid. With Sir William Blackstone, the great master of the English Common Law, as the evening shadows of his life darkened, Mr. Marchand could truthfully say:

“No orphan's cry to wound my ear,
My honor and my conscience clear;
Thus may I calmly meet my end,
Thus to the grave in peace descend.”

For the argument of a case to the jury Mr. Marchand had no liking, nor did he pretend to possess great forensic ability. He recognized the importance of a forcible presentation of the facts to the jury, but frequently called in Cowan or Foster or Laird to assist in this part of the trial. But no one could more methodically or discriminately select and arrange the facts and the order of their development in the trial, or more discriminately select the authorities that controlled the case.

Mr. Marchand was most methodical in all his work. He always had a program, usually written on the back of an envelope, when he came down to the court house in the morning. As one after another of the tasks were done the item would be scored off and when completed he would go back to the office to finish the day's work.

In his contact with others, Mr. Marchand was not self-assertive or self-seeking, but was modest, even to timidity. He employed no arts to draw to himself public notice. His plodding, laborious, deedful life proclaimed the man, and there was no trumpet in his own hand or in the hand of any gaily appointed herald to sound his fame. His timidity and shrinking from public display is illustrated in a remark he once made to one of his professional brethren in which he said: "I always await with fear and trembling to hear the court house bell toll the opening of a term of court." It meant, of course, labor, responsibility, constraint upon his control of his time and direction of his activities, but it meant also that he must step into the limelight and focus the public eye.

Of Mr. Marchand's relations with his profession-

al brethren it can be affirmed that he was courteous in manner, faithful to his engagements, frank and honest in his intercourse, and a fair fighter. If there were no moral constraints to impel a lawyer to this course there are prudential reasons that will constrain him, because, second only to the importance of having the confidence of the court is the importance of having the good opinion of his professional brethren. If not inclined to positively criticise, yet they can denounce against him no greater damnation than to damn him with faint praise—that kind of praise that speaks volumes by its silence, that discredits by its reservations.

Chief Justice Gibson said that “it is a popular but gross mistake that a lawyer owes no fidelity to any one except his client, and that the client is the keeper of his professional conscience.” Mr. Marchand was exemplary in his observance of professional ethics toward the court and his brethren; but as a Christian gentleman and a good citizen, recognizing the end and purpose of the law to measure exact justice to every one he did not wilfully seek to wrest the law from its purpose to serve an undeserving client or an avaricious purpose; and as a guardian of the fountain of justice, pledged to keep its waters untainted, as every true lawyer is, and is pledged, Mr. Marchand was fitly impersonated in the poet’s lines:

“To virtue and her friends a friend,
Still may my voice the weak defend
Ne’er may my prostituted tongue
Protect the oppressor in his wrong;
Nor wrest the spirit of the laws
To sanctify the villain’s cause.”

Mr. Marchand was a true Christian, a lifelong member of the Presbyterian church. A former law student in his office, G. Dallas Albert, Esq., the gifted historian, pays this tribute to his beloved preceptor: "His heart could always be touched by an appeal on behalf of a worthy cause and promptly responded to every call coming from the poor and needy. He did not love in word, but in deed and in truth." After a practice of 41 years, full of years and honors he died on the 18th day of January, 1882.

THOMAS J. BARCLAY, Esq.

Thomas Johnston Barclay was born in Greensburg, Pa., on the 23rd of January, 1826, of Scotch-Irish ancestry. He was educated at Greensburg Academy and Jefferson College. He read law with his uncle, William Freame Johnston, afterwards Governor of Pennsylvania, and Hon. Henry D. Foster, and was admitted to the Westmoreland Bar at August Term, 1844, when only 19 years of age.

Physically, Mr. Barclay was a man of heroic mould, being six feet, three inches tall. Mentally he had those endowments that enabled him to develop while young in years, that fitness and vigor that qualified him to render the service belonging to, and carry the responsibilities that usually descend upon shoulders that have been strengthened and disciplined to the years of middle life. His father, John Y. Barclay, Esq., had been a distinguished lawyer and had died just when the son was ready to choose his vocation. His grand uncle, Judge John Young, the eminent scholar and learned lawyer, had but recently completed more than 30 years of service upon the bench and died about the same period. His uncle, William Freame Johnston, also a distinguished lawyer, then a State Senator, was displaying those qualities of statesmanship which eventuated in his election as Governor of Pennsylvania soon after. While, therefore, at the threshold of his life death was bereaving Mr. Barclay of his natural allies, it left him their fame to emulate, and the rising star of his distinguished uncle to point the way to distinction.

Soon after Mr. Barclay's admission to the Bar he was appointed district attorney of Westmoreland county by Governor David R. Porter and served the term.

The war against Mexico was declared in 1847 and he enlisted in Captain, afterwards Col. John W. Johnston's company of the Second Pennsylvania regiment. He was promoted to first lieutenant and was engaged in the battles of Vera Cruz, Cerro Gordo, Molino del Rey, Chapultepec and the capture of the City of Mexico. At the age of 23 years he had wrought achievements in professional and military life that come to few men before middle life.

After his return from Mexico he resumed the practice of law until 1852, when he was elected to and served a two-year term as treasurer of Westmoreland county. He never afterward resumed the practice of the law.

In 1854 Mr. Barclay opened a private bank where the Barclay-Westmoreland Trust Company, its ultimate successor, is now located. Mr. Barclay was the pioneer banker of Westmoreland County. During the early years of the century a bank called the Westmoreland Bank of Pennsylvania was engaged in banking in Greensburg, but its life was short and ended in disaster. Until Mr. Barclay opened his bank in 1854 the county was without banking facilities.

The banking business was Mr. Barclay's life work. He possessed every element that constitutes a great banker, and was one of the soundest and most successful bankers of Western Pennsylvania. He had a wide acquaintanceship, a sound judgment, a profound

knowledge of character, an extended knowledge of real estate values, and was a discriminating student of economic principles and financial history and tendencies. He could read the signs of the times. He understood the logic of events. He had a far-sightedness that could discern the danger signals that portended disaster, the cloud on the horizon no bigger than a man's hand had presaged the financial storm. He passed unscathed through two severe periods of financial stress, the panic of 1857 and the panic of 1873, without suspending payment, without impairment of fortune or procuring indulgence from depositors.

The banker of 50 years ago bore a relationship to his constituency more far-reaching and intimate than the banker of today. He was the investor's guide in the selection of his investments. In that respect he was usually a safe guide because he was not the agent for the sale of stocks at a liberal commission, nor was he the distributor of investments of his bank which had become insecure or undesirable, nor distributor of stocks and bonds of corporations in which he had a personal and financial interest. In the former days railroad securities, mortgages and personal loans were very largely the outlet for surplus funds. Upon the safety of these the bankers' judgment was invaluable. In these days of large industrial combinations with the wide publicity to which the safety of their securities are subjected by government regulation, by the wise policy of the corporations themselves and by the keen analysis of market experts the investor is not so dependent upon his banker for the technical knowledge that will safeguard his investments.

This function of financial adviser was extensively exercised by Mr. Barclay at the solicitation of many persons who sought and valued and acted upon his advice. They regarded it, as it was, intelligent, wise, disinterested and safe to follow.

Mr. Barclay was wedded to his community. No citizen of Greensburg was more so. He served its civic, educational and moral welfare with devoted solicitude. He was not a wordy propagandist, a noisy advocate, but a quiet, thoughtful and efficient promotor of every project designed to advance the schools and safeguard the morals and property interests of the town. He served on the school board, the borough council, the cemetery board. He was a life member of the Morrison Underwood Donation Trust Fund. He was sole trustee of the Dr. Morrison School Fund, which grew large under his administration and which is yet intact in the hands of the school board. An instance of his readiness to serve in the most laborious capacity was at the Cope House fire a few days before his death, when he took a place in the bucket line that suppressed the fire and saved a large section of the town from destruction.

Mr. Barclay died after a brief illness on the 25th of August, 1881, at Greensburg, crowned with the chaplet of a community's respect which he had served long and well.

JUDGE JEREMIAH M. BURRELL

Jeremiah Murray Burrell was born at Murraysville, Franklin Township, in 1815, of Scotch parentage. He received his preparatory training for college from the scholarly John Will in the Greensburg Academy. He entered Jefferson College and was graduated in the class of 1833. He read law with Judge Richard Coulter and was admitted to the Westmoreland bar at August term, 1835.

Judge Burrell was the unspoiled child of fortune. He came of a wealthy and distinguished family on both sides of his house. In the radiance of these advantages he could have basked at ease and have cut a considerable figure with little exertion upon his part, but he was made of sterner stuff. He was of such mettle that he could strike with telling blows. He could sustain like assaults without yielding or lowering his crest. He was a man of action, valiant to attack, tempered to endure. He therefore used the advantages of birth to qualify himself to engage in a field of activity, the practice of the law, where the militant forces of his intense nature could have free exercise and win substantial rewards. In whatever aspect his strenuous life is regarded whether as lawyer or politician, and he was a "Richmond" in both fields, he displayed the same indomitable qualities.

In 1835 when Judge Burrell came to the bar it shone with stars of the first magnitude, Alexander, the Fosters, Senior and Junior, Coulter, Beaver, the elder Marchand and many others were contending for the honors and emoluments of the legal business of a

growing and thriving county. Judge Burrell soon won recognition as an able lawyer and rapidly acquired a large and profitable practice. He had an extensive and accurate knowledge of legal principles, a brilliant mind, an eloquent tongue, and an industry and capacity for hard work that gained him recognition as one of the foremost lawyers of the bar.

While immersed in a growing practice Judge Burrell was cherishing political ambitions. He was an ardent Democratic politician. He had unusual gifts as a stump speaker and was in constant demand, not only in his own county but in Pittsburgh and elsewhere. An incident showing the pride possessed by his fellow townsmen in his ability as an orator is related in Jno. N. Boucher's "Old and New Westmoreland". A dense crowd had assembled in front of the Monongahela House, Pittsburgh, to hear the political issues of the day discussed. Other speakers had received indifferent attention owing to the inability to hear them. Judge Burrell was introduced and his clear, ringing voice and his persuasive eloquence caught the ears of the turbulent crowd and held them in silent attention till the end of his address. Some one inquired who the speaker was. Major William H. Hacke, his fellow townsman, replied, with pardonable pride: "That is J. M. Burrell, of Greensburg, the most gifted young orator in Pennsylvania."

As an aid to his political ambitions Judge Burrell purchased the "Pennsylvania Argus," a Democratic weekly newspaper. He expounded the principles of Thomas Jefferson with such ability and challenge as not only to give him a state wide reputation

but also to draw the fire of Horace Greeley of the New York Tribune, who answered his articles, in the Log Cabin campaign of 1840, in that vigorous style which made Greeley one of the greatest political journalists of the middle of the past century.

In the middle 40's Judge Burrell was elected to the Pennsylvania House of Representatives as a Democrat. Simon Cameron, at that time a Democrat, was influential in state politics and was a Representative in Congress. Burrell came into bitter rivalry for leadership of the Democratic party in the House with Thomas Burnside, son-in-law of Simon Cameron and son of Justice Burnside of the Supreme Court. Burrell was regarded as the ablest orator in the Legislature. He was also an astute politician. He came out of the contest victorious over Burnside.

In 1847 the term of Judge Thomas White expired by reason of an amendment to the Constitution of 1838. Governor Shunk appointed Mr. Burrell president judge of the district. Judge White was an able and acceptable judge but he was a Whig and the governor being a Democrat refused to reappoint him. The Senate, which had the power of confirmation, being Whig, refused to confirm Judge Burrell. The Governor, however, commissioned him and he took his seat on the bench, 24 May, 1847. On a writ of *Quo Warranto* his right to serve was taken to the Supreme Court for adjudication. It was argued that because the vacancy occurred while the Senate, having the power to confirm, was in session, and having refused to confirm, that the appointment was illegal. The Supreme Court did not decide the case on the merits but

dismissed the writ because the relators, who were members of the bar, had no standing to maintain the writ, the only person having the right to institute the proceeding being the State Attorney General. He, however, being of the same political faith as Judge Burrell, refused to institute proceedings to unfrock him. With the consent of Judge Burrell the Governor recalled the commission and appointed Judge John C. Knox, of Tioga County, who was confirmed by the Senate. He served as judge until 1852.

In 1850 by amendment of the Constitution, judges were made elective, and thereby Judge Knox's term expired. It was conceded by all that Judge Burrell was entitled to the succession. He was accordingly nominated and elected for the term of 10 years in 1851, and took his seat on the bench in February, 1852. He continued to serve until 1855, when President Pierce appointed him judge of the District Court of the United States for the Territory of Kansas. It was believed at the time that Kansas would soon be endowed with statehood and that Judge Burrell would be elected United States Senator.

Judge Burrell was married to Miss Anna Richardson, a lady of great beauty, fine accomplishments and ample fortune. He had a family of several children, one of whom, Henrietta, became the wife of Hon. George F. Huff. Judge Burrell's wife survived him until 1906, a period of 50 years after his death.

Judge Burrell was Presbyterian in faith. He was a man of taste and refinement. He was an extensive reader. He was a fine performer on the violin. He built and occupied a fine

house on spacious grounds, which still remains one of the fine homes of Greensburg, now in the ownership of the Brunot family. He was democratic in manner and possessed engaging social qualities. He was gracious and courteous on the bench.

Judge Burrell returned from Kansas to Greensburg on a visit in the fall of 1856, apparently in good health. While here he contracted laryngitis from which, after brief illness, he died on the 21st of October, 1856, at the age of 41 years.

JUDGE JOHN C. KNOX

John C. Knox was native to Tioga County, Pa. When Judge Jeremiah M. Burrell, appointee of Governor Shunk, as President Judge of the 10th Judicial District failed of confirmation by the Senate and his appointment was vacated, Hon. John C. Knox, then a practicing attorney of Tioga County, was appointed and confirmed as President Judge of the District, in May, 1848. He served until February, 1852, when the Judiciary having become elective in 1850, he was superseded by Judge Burrell who had been elected.

Judge Knox returned to his home in Tioga County and was at once elected President Judge of that district, defeating Judge Joseph Buffington, the incumbent. In 1853, Governor Francis R. Shunk appointed Judge Knox to the Supreme Bench to fill the vacancy occasioned by the death of Judge John Bannister Gibson. Judge Knox served on the Supreme Bench until 1857, when he resigned to become Attorney General of Pennsylvania by appointment of Governor Pollock. In 1861 he removed to Philadelphia, where he entered upon the practice of law. Soon after he became the prey of a mental malady from which he never recovered. He lingered for many years and died in Philadelphia. Judge Knox was a man of strong character and great legal attainments. His fame can be more fittingly exploited by the Tioga Bar, of which he was a distinguished member.

HENRY BYERS KUHNS, Esq.

H. Byers Kuhns was born in Greensburg, Pa., in 1828, of Scotch-Irish and German ancestry. He was educated at Jefferson College. He read law with his father, Hon. Joseph H. Kuhns, and was admitted to the Westmoreland Bar at February Term, 1849.

Environment has much to do with destiny. It may be such that it begets the ideal, it points the direction and smooths the pathway to life's vocation. In many instances it controls natural aptitudes. He that goes down to the sea in ships may be fitted only for coastwise trade, and yet the relationship of his environment may embark him, without attraction or aptitude, upon a deep sea voyage requiring compass, sextant, chart, knowledge of the effect of ocean currents, the skill to make dead reckonings, and failing all these, in the stress of storms or the bewilderment of fog the ability to determine direction by the position of the heavenly bodies. It may be the aptitude was for a landsman's job with the immovable earth underfoot, with all the certainties calculated, and all the vicissitudes within the range of human experience. The vital consideration is to fit the man to the job. The misfits in professional and business life are so common as to invite inquiry as to the cause. They may not be ascribed to the mistakes of Divine Providence, for the creative design is to effect harmony. It may smack off dogmatism to assert, but it is none the less true, that the incompatibility of the individual and his vocation, so frequently in evidence, arises from the failure of the human to co-ordinate with the

creative design. The most frequent cause of these dislocations is the environment of the individual. Hence it is that he who would have excelled as a mechanic or construction engineer is frequently found in the legal profession; the theological seminary has wrested the farmer from the plow or the teacher from his profession, and the farm has withheld the naturalist or biologist from the destiny, of which his talents gave promise.

These observations are purely impersonal, and have no other relationship to the subject of this sketch than to point out that by birth, education, family connection and youthful acquaintance with the law courts, in a word his environment, Mr. Kuhns was naturally inclined to the study and practice of the law. His father was a man of eminence in the profession. His maternal uncle, John B. Alexander, was a learned and successful lawyer. A number of his young relatives were coming to the bar. He had a good legal mind and a wide acquaintance with the clients of his father which in fact pledged their allegiance to the son when he had proved his mettle.

Mr. Kuhns on his admission began a forty years' practice of law, interrupted only by his service in the war of the Rebellion. He practiced little in the criminal courts and very seldom tried cases in the civil courts, although he could outline and brief a case with skill. But he had a volume of office business that kept him in constant employment. He was quiet and retiring in manner, but was on terms of pleasant intercourse with his brethren who respected and liked him for his scrupulous honesty, fair dealing and frank-

ness. It was not necessary to insure the keeping of his pledge that it be put in writing. His word was all that was ever demanded of him. He was a penman of unusual skill. When he prepared a deed or will it was as legible and artistic as copperplate.

When Mr. Kuhns went into court he was persistent in the presentation of his case. The Pittsburg and Stoyestown Turnpike, now the Lincoln Highway, continued to charge tolls until 1881, although the road had been allowed to fall into disrepair. At the demand of many patrons its president was indicted for maintaining a public nuisance. The road was up against almost certain condemnation unless it could interpose a technical barrier to conviction. Mr. Kuhns, attorney for the road, invoked every technicality the law afforded. He moved to quash the indictment, which was refused. He then challenged the right of Judge John M. Kirkpatrick, of Allegheny County, specially presiding, to try the case on the ground that he was only an additional law judge, instead of a president judge. The argument was exhaustive on the powers of the judiciary and very lengthy, Judge Kirkpatrick listened patiently and decided promptly, saying: "Notwithstanding your able and weighty argument, Mr. Kuhns, this court will assume judicial functions." On being twitted about his decision by disinterested members of the bar who thought Mr. Kuhns was right in his contention, Judge Kirkpatrick replied, "Of course he is right, but this court will risk being wrong before it will permit itself to be robbed of its judicial robes." The case went to a conclusion, and the tolls soon thereafter ceased.

Mr. Kuhns served four years with distinction in the war. He was first lieutenant of Company I in the famous Eleventh Penna. Volunteers, commanded by Gen. Richard Coulter. Elsewhere it has been remarked that no regiment, volunteer or in the regular army, rendered more distinguished service or participated in more battles than the Eleventh Penna. Reserves. The monument to the regiment dedicated in recent years has distinguished place in the National cemetery on the site of the battle of Gettysburg in which it was severely engaged and lost many men.

Mr. Kuhns had no political ambitions and never held any office except a membership in the Borough Council. He died at his home in Greensburg on the 8th day of October, 1889.

HON. JACOB TURNEY

Jacob Turney was born in Greensburg on the 18th day of February, 1825, of Holland Dutch parentage. He was educated in the common schools and in the Greensburg Academy, an institution that was chartered by the State in 1810, that taught mathematics, the classic languages and literature in the Academy building which stood where the Second Ward red brick building now stands. Mr. Turney learned the art of printing while a young man, but, when he found himself in more mature years, he selected the law as his life work. While pursuing the law under the tutoryship of the Marchands, Albert and Henry, he became transcribing clerk for the Recorder of Deeds, and several volumes of deeds and mortgage records in the Recorder's office are the works of his fine, clerkly hand. He was admitted to the Bar at May Term, 1849.

In 1850 the District Attorneyship having become elective instead of appointive as it was previous to that time, Mr. Turney was elected District Attorney and was re-elected in 1853, serving until 1856, a period of six years. His service covered most of the period of the construction of the Pennsylvania railroad extending for a distance of more than 45 miles through the county. This public work brought into the county a large population, not native to the county and much of it of foreign birth. The Hun, the Slav and the Latin races have been the builders of our transportation lines and public works in the past 35 years, but in the 40's and 50's it was the Irish immigrant that constructed the railway systems. They were a rol-

licking, bibulous, hard-hitting crowd who highly regarded fistic prowess, and habitually referred all disputes to the arbitrament of the fist and the black-thorn. To them the law was an intermeddling, impracticable and indecisive old woman that might mean well but her leaden heel and iron hand never could settle the merits of a brawl as they ought to be settled. It was Mr. Turney's lot to prosecute these brawls, which were of very frequent occurrence in that constructive period.

The case of the Commonwealth vs. George Ward and Malcolm Gibson, charged with the murder of Lu-cinda Sechrist was bitterly contested; Mr. Turney secured a conviction of murder in the first degree. The trial was before Judge J. M. Burrell, Mr. Turney's brother-in-law. The judge granted a new trial, very much to Mr. Turney's disappointment, and on a subsequent trial they were unaccountably acquitted. Mr. Turney always regarded the final outcome as a miscarriage of justice. The other notable case during his term was his prosecution and conviction of Hugh Corrigan for murder in the first degree in the killing of his wife, known as "Big Mary". Before the day of his execution arrived Corrigan ended his life with a dose of poison.

In 1857 Mr. Turney, when only 32 years of age, was elected to the State Senate, the district being composed of Westmoreland and Fayette Counties. This nomination and election came to him without solicitation on his part. He served with credit during the three-year term, during the last year of which he was president of the Senate. Samuel J. Randall, of Phil-

adelphia, was one of his colleagues and friends, and they afterwards renewed this official relations in the 44th and 45th Congresses, to which they were both elected. Mr. Turney was a Democratic presidential elector in 1856 and voted for James Buchanan for President.

In 1874 Mr. Turney and Gov. John Latta contested for the nomination to the 44th Congress. The contest was waged with keenness, as both were able and veteran politicians and both were widely known and popular. Mr. Turney won the nomination and was elected, and two years later was elected to a second term.

There was much political discontent in the state in 1874. The country was in the throes of the panic of 1873. There was serious discontent among laboring men. The nation was seeking to get its money on a specie basis, which involved the contraction of the enormous volume of paper currency issued during and after the war. The deflation of the paper currency made money scarce. These disturbing causes bred a political revolution, which turned the Republican party out of legislative control and elected a Democratic Congress. It resulted in the loss to the Republicans of the state election in 1874 and John Latta was nominated and elected Lieutenant Governor on the same ticket with Mr. Turney, and a legislature, Democratic on the joint ballot, was elected that sent William A. Wallace, of Clearfield County, to the United States Senate.

Mr. Turney's service in Congress was creditable. He did not often address the House, but his committee

service was conscientiously performed. He was a member of Privileges and Elections, Mines, Territories and Currency committees. These committees formulated the work for Congress on these subjects. He had quite an important part in the formulation of the "Bland" Silver bill.

In 1871 Mr. Turney was his party's candidate for State Senate in the Senatorial district composed of Westmoreland and Indiana Counties. His opponent was Hon. Harry White, of Indiana County, who defeated him, the district being hopelessly Republican.

After Mr. Turney's service in Congress he resumed the practice of the law, in which he was successful. He gave it as his deliberate conviction that it is a mistake for a lawyer to abandon his profession even temporarily, for political office. This conviction agrees with Chitty, the great English lawyer, who said that "the law as a jealous mistress submits to no division of affection," and the general consensus of opinion of Blackstone and other great English text writers who have observed that to succeed at the law, all thought of advancement elsewhere must be abandoned. Notwithstanding his incursions into politics Mr. Turney was a good lawyer, a skillful case-trier and had great force with a jury.

Mr. Turney was a good mixer. He was genial in disposition, democratic in manner, handsome in personal presence, approachable to the young and old, rich and poor, learned and unlearned. He bore about him that aspect which invited friendship from every one who was within the circle of his knowledge.

Mr. Turney had a remarkable facility in the use of good, forcible English. He drew from an inexhaustible fountain a stream of utterance that was limpid, chaste, apposite and forcible. It was a delight to observe the play of his thought and the vesture in which he clothed it. He did not acquire this facility in college or university, which was not available to him in his youth, but in the great university of Literature which is at the command of every one who will diligently seek her riches. He was a great and discriminating reader and possessed a mind that readily assimilated that which ministered to an aesthetic taste.

After a professional life of 42 years Mr. Turney died on the 4th day of October, 1891, in the 66th year of his age, regretted by all who knew him, remembered with affection by his associates who survive him.

MAJOR WILLIAM A. STOKES

William A. Stokes, Esq., was born in 1814 in the eastern part of Pennsylvania of English parentage. He was educated in the City of Philadelphia. He read law and was admitted to the Philadelphia bar in the middle 30's where he continued to practice, attaining distinction, until 1850, when he removed to Greensburg and was admitted to the Westmoreland Bar.

In the decade from 1850 to 1860 the Westmoreland Bar was studded with some of its brightest luminaries, Foster, Cowan and Burrell, stars of the first magnitude, were displaying the fullness of their meridian splendor when this Star of the East, Major Stokes, came across the mountains, fixed his station in the midst of our legal luminaries and shed the radiance of his great learning and ability upon the local bar. The county owned the advent of Major Stokes to this bar to the Pennsylvania Railroad Company. It had just completed its main line from Philadelphia to Pittsburgh and the conflicts with the owners of property, incident to the operation of a novel system of transportation authorized to invade private rights in the exercise of the sovereign rights of eminent domain with which it was invested frequently took it into the contentious jurisdiction of the courts for the adjudication of its rights and powers. It was to vindicate these rights and powers as railroad solicitor that Major Stokes settled in Greensburg.

Major Stokes had most of the elements that constitute an engaging personality. He was of tall and commanding form; he had a dark, piercing eye and regular and handsome features; he had a voice of con-

siderable volume and penetration, the timbre and cadences of which charmed the ear; he had vivid imagination and poetic fancy; strong reasoning powers, and such a command of language that he could clothe his thought with chasteness and beauty—in brief, he possessed the qualities that justly acquired for him the fame of eloquence.

He was a man of many activities. He was lawyer, farmer, politician, editor and soldier. In affluent circumstances when he came to Greensburg, he purchased the large farm of 180 acres, now the site of Seaton Hill, Seaton Hill College and Saint Marys Academy. His splendid home was the seat of a gracious and extensive hospitality. Here he dwelt among his books in his hours of relaxation, giving such attention as he could to the breeding of fine stock and the management of a fertile farm.

In his Autobiography, Andrew Carnegie speaks of a day spent in the home of Major Stokes when he was a telegraph operator for the Pennsylvania Railroad. He says: "Mr. Stokes, chief counsel of the Pennsylvania Railroad, invited me to his beautiful home in the country to spend a Sunday. It was an odd thing for Mr. Stokes to do for I could little interest a brilliant and educated man like him. The reason for my receiving such an honor was a communication I had written for the "Pittsburgh Journal." The subject was upon the attitude of the city (Pittsburgh) toward the Pennsylvania Railroad Company. It was signed anonymously * * * * I as operator received a telegram addressed to Mr. (Thomas A.) Scott, signed by Mr. Stokes asking him to ascertain who the author of the communication was. I was afraid Mr. Riddle (the

editor) would hand the manuscript to Mr. Scott, who would certainly recognize it at a glance. I therefore made a clean breast of it to Mr. Scott. He seemed incredulous. Mr. Stokes' invitation followed soon after. The visit is one of the bright spots of my life. Henceforth we were great friends.

"The grandeur of Mr. Stokes' home impressed me but the one feature of it that eclipsed all else was a marble mantel in the library. In the center of the arch, carved in marble was an open book with this inscription:

*"He that cannot reason is a fool,
He that will not, is a bigot,
He that dare not, is a slave."*

These noble words thrilled me. I said to myself, some day, some day, I'll have a library."

In the practice of the law the chief solicitude of Major Stokes was to care for the interests of the Pennsylvania Railroad, but he also engaged in general practice. It goes without saying that from the nature of his employment his foemen were the ablest members of the bar. He was not as great a lawyer as either Foster or Cowan, but as an advocate he was easily the equal of either, and it is not recorded that he was out-generalled by either. He was regarded as a hard and shifty fighter, expert in extricating himself from positions of danger, equally expert in maneuvering his antagonist upon dangerous ground.

Major Stokes was a general favorite among his brethren of the bar. He was a fair but vigorous combatant. He was courteous, good tempered, fond of the companionship of his kind. He was courteous,

frank and fair with the court, and quick to apologize for any delinquencies or forgetfulness in keeping his appointments with the court. Of him it could truthfully be said

“How smooth and even doth he bear himself:
As if allegiance in his bosom sat,
Crowned with faith and constant loyalty.”

For a priod of two years Major Stokes was connected with the “Westmoreland Republican,” a Democratic weekly as contributor and editor. He was a forceful and able writer. Many of his editorials were classics. Writing of the attitude of Senator Edgar Cowan, to whom Stokes was politically opposed, on the bill suspending the writ of *habeas corpus*, he said editorially:

“Nobly upon many momentous occasions was he sustained by the patriotic minority of the Senate faithful alone among the faithless, powerless in the present, but to whom soon justice will be done, and whose constant virtue will be embalmed in the homage of after ages. In March 1863, on the question of indemnifying the President and all others for violating the *habeas corpus* he attacked the malignant majority of the Senate and pointed to the sole path of safety for the public with power and wisdom in the following language.”

It will be seen from the above quotation that Major Stokes was a strong Democratic partisan, but he was fair enough to pay a magnificant tribute to a political opponent.

Major Stokes saw gallant service as a soldier in the War of the Rebellion. After Fort Sumter was attacked, his patriotic addresses did much to solidify the Union sentiment in the community. Mr. Carnegie

enlightens us on the attitude of Mr. Stokes toward the seceding South:

"Another Sunday which I spent at his home after an interval of several years was also noteworthy. I had then become Superintendent of the Pittsburg Division of the Pennsylvania Railroad. The South had seceded, I was all aflame for the flag. Mr. Stokes being a leading Democrat argued against the right of the North to use force for the preservation of the Union. He gave vent to sentiments which caused me to lose my self-control, and I exclaimed, 'Mr. Stokes, we shall be hanging men like you in less than six weeks.' I hear his laugh as I write and his voice calling to his wife in an adjoining room: 'Nancy, Nancy, listen to this young Scotch devil. He says they will be hanging men like me in less than six weeks?' " Continuing, he writes:

"Strange things happened in those days. A short time after, that same Mr. Stokes was appealing to me in Washington to help him to a Major's commission in the volunteer forces. I was then in the Secretary of the Treasury's office helping to manage the military railroads and telegraphs of the Government. This appointment he secured, and ever after was Major Stokes. So that the man who doubted the right of the North to fight for the Union has himself drawn sword in the good cause. Men at first argued and theorized about constitutional rights. It made all the difference in the world when the flag was fired on."

After returning from the service Major Stokes continued to practice for a brief period. He then sold his property and removed to Philadelphia where he lived in retirement, and died on the 3rd day of April, 1877.

JUDGE JOSEPH BUFFINGTON

Joseph Buffington was born at West Chester, Chester County, Pa., on the 27th November, 1803, of Quaker parentage and English descent. In 1813 with the family migrated to Allegheny County. He was educated at the Western University at Pittsburgh. He read law with Samuel Ayers, Esq., and was admitted to the Butler Bar in July, 1826. Within a year after his admission he removed to Kittanning, Pa., where he entered into practice and continued to reside during the remainder of his life.

Judge Buffington was a characteristic product of his age. The past century was the testing period of the American State. The civil and political rights of man had been declared. It had been affirmed that these rights were inalienable; that the true function of government, deriving its just powers from the consent of the governed, was to enforce them. Their subversion had been charged in an unanswerable indictment against the British Crown, and allegiance thereto had been abjured. The principles of this Declaration of Independence had been embodied in the constitutional structure of the State. Were the National and State constitutions adapted to the genius of the people? Were they workable? Were they sufficiently flexible to conform themselves to the demands of a people that were seeking their destiny through a novel form of government? This was an evolution that must be wrought out by the generation to which Judge Buffington was born. Its working out and the vindication of the principles of the political philosophy of our

Colonial statesmen is the history that records the national greatness. In that history Judge Buffington had his part as lawyer, jurist, statesman and sage.

Little is known to the present writer of the early struggles of Judge Buffington to establish himself in practice. That he was not slack in devotion to his jealous mistress, the law, is evident in that he became her authoritative spokesman when delegated to declare her oracles from the Bench. That he had good reasoning powers and a sound judgment is attested by the comparatively few reversals his decrees and judgments met with when challenged in the Supreme Court. That he was acquainted with all the tricks and strategy of the profession; with all of the sophistry imported into arguments by able and ingenious lawyers, and was able notwithstanding, to prevent justice from being shipwrecked and to pilot her into safe harbor is attested by the traditions that have come down from his contemporaries to the present members of the profession. That his Quaker training inclined him to give ready ear to overtures of peace and made him a beloved moderator in legal contentions is the universal testimony of all who were familiar with his discharge of his duties during the long period in which he graced the Bench.

Judge Buffington, like most lawyers of early times, had a flair for polities. He was a member of the anti-Mason party until 1840, and was nominated for office on several occasions, but failed of election. In 1840 he became a Whig, and took active part in the election of William Henry Harrison for President, and was a presidential elector. In 1842 he was nominated and

elected to Congress and was re-elected to a second term in the Congressional District composed of Armstrong, Butler, Clearfield and Indiana counties. He was a colleague of Gen. Henry D. Foster, who represented the Westmoreland-Fayette-Greene District. Other Congressional colleagues were ex-President John Quincy Adams and Simon Cameron.

The highly protective tariff act was passed in 1842. It proved a great stimulus to the infant iron industry of Western Pennsylvania. Bills were presented in Congress to take the protective duty off iron, it was the period of railroad building. Members of Congress from the South interested in the production of raw cotton, and members from the New England States interested in its manufacture combined to secure high protection for textiles and sacrifice the iron industry of Pennsylvania by admitting English iron rails free. Foster made his political reputation by making the fight for Pennsylvania iron, and Judge Buffington was no less zealous and effective in saving this important industry of the State from destruction.

Soon after the close of his Congressional career Gov. William F. Johnston appointed Judge Buffington President Judge of the judicial district, composed of Clarion, Elk, Jefferson and Venango counties. He served until the office became elective in 1851, when he was defeated for the succession by Judge John C. Knox. In 1852 Buffington was nominated by the Whigs for Justice of the Supreme Court. It was the presidential year and, with his party, he suffered defeat, Justice Woodward, the elder, being the successful candidate. In the same year President Fillmore

appointed Judge Buffington Chief Justice of the territory of Utah, but he declined the position. On the resignation of Judge J. M. Burrell to become Federal Judge of Kansas, Judge Buffington was appointed president judge of this, the 10th Judicial District by Gov. Pollock, and he entered upon the long and distinguished career upon this Bench which marked him as one of the best fitted and most revered among the able judges whose services it has always been the singular good fortune of this district to command.

In 1856, Judge Buffington was elected for a term of 10 years, the Democrats declining to nominate a candidate to oppose him. In 1866 he was re-elected for another term. He filled half the term when increasing age and declining health admonished him that a burden, ever becoming heavier by the growth of the district must be shifted to younger shoulders, and he resigned in 1871.

Judge Buffington had, both as a practicing lawyer and President Judge, been long enough a circuit rider to be drawn into professional and social kinship with the members of the bar. Their customs, habits, studies, convivialities, were his. They belonged to his order. They were entitled to and were accorded all their rights, all of the courtesy and consideration which are due from one professional gentleman to another. The bench and bar had their respective functions in the administration of justice. The translation from one to the other was frequent, inevitable, exclusive. No layman, however learned, could invade either precinct until he had served his apprenticeship to the craft. To the layman the bar is the symbol of separation from the

Bench. In his eyes the bench takes on an access of dignity. It imports:

"The force of temporal power, the attribute to awe and majesty, wherein doth sit the dread and fear of Kings."

To the lawyer, the judge is but the lawyer enrobed; entitled, indeed, to respect, vested with necessary authority, but in essence, in training, in capacity and in sentiment he is yet the lawyer. The Judge was Judge in *esse*: the lawyer is Judge in *posse*. In the light of such a conception of the relations of lawyer and judge it is not difficult to understand the strength of mutual affection and regard that united Judge Buffington and the members of the bar. It explains why he was a frequent and always welcome guest at their banquets: a helpful and sympathetic partaker in examination of students for admission to the bar; a wise and kind mentor to the young lawyer trying his first case.

Judge Buffington had accurately measured his span of life. Full of years, full of honor, rich in the affections of all who knew him, he died within a few months after his resignation on the 3rd day of February. 1872.

HON. JOHN LATTA

John Latta was born in Unity Township, Westmoreland County, Pa., on March 2, 1836. He received his classical education at Sewickley Academy and at Elder's Ridge Academy. He entered the law office of D. H. Hagen, Esq., of Pittsburgh, Pa., completing his legal education at Yale University, and was admitted to the Westmoreland Bar in November, 1859.

It was the custom of young lawyers of that day to enter into the political campaigns. In 1860 the Republican party, born four years before, had risen like a young giant from the wreck of the Whig party and was greatly augmented by recruits from the Democratic party, long dominant in national and state politics. Many Democrats had become dissatisfied with the party policy which was under the control of its southern wing. State rights, slavery, the right of a state to secede from the Union and opposition to the policy of protection fostered to build up the manufacturing industries of the north solidified the south, disgruntled many Democrats of the north and ultimately led to the division of the party and the nomination of two Democratic candidates for president in the campaign of 1860.

Gov. Latta plunged into the Douglass and Lincoln campaign of 1860 and won his spurs as a dashing political orator and seasoned political manager. He acquired a taste for politics which continued the remainder of his life. Ever after his office was a Mecca for Democratic politicians from every part of the county and Congressional district. He was a delegate

to the Democratic national convention in 1864, which nominated Gen. Geo. B. McClellan for President. He was also a delegate to the national convention of 1872 that nominated Horace Greely. He opposed the nomination of Greely in the convention as Greely was a disaffected Republican out of sympathy with his party, had no allegiance to the principles of Democracy and had bitterly assailed them during the war.

Gov. Latta was of stalwart form, of fine presence and of engaging manners. He was widely known and popular and soon acquired a substantial practice. His clientage was made up of substantial, well-to-do farmers and business men. He seldom entered the criminal courts, although, on occasions, he appeared for or against defendants charged with serious offenses. For about ten years during the 70's he was in partnership with John D. Gill, Esq., as Latta & Gill. During this period the firm had a large business in the civil courts. Gov. Latta was a conscientious, careful, capable lawyer, giving his clients good service and maintaining friendly personal relations with them.

When Silas Gray was indicted for murder, Latta & Gill were appointed to defend him. The crime in its details was of peculiar atrocity. A vigorous defense was made but the defendant was convicted of murder in the first degree. Every resource was used by the counsel to save the prisoner's life, but in vain. The Governor's warrant of execution arrived. The scaffold was being erected within the view and hearing of the prisoner. Gov. Latta continued his devotion to his client and on the morning fixed for the execution he secured a reprieve and delivered it to the sheriff be-

fore the hour of death arrived. Subsequently the sentence was commuted to imprisonment for life. Later, by the efforts of his counsel, Gray was pardoned.

Gov. Latta's political life was varied. In 1862 he was a candidate for district attorney but was defeated for the nomination by A. A. Stewart, Esq. In 1863 he was nominated and elected state senator in the senatorial district composed of Westmoreland and Fayette counties. He was elected a member of the lower House of the Pennsylvania Legislature in 1871, and re-elected in 1873. In 1874 he was a candidate for Congress but was defeated for the nomination by Hon. Jacob Turney. Following his defeat the same summer the Democratic state convention nominated him for Lieutenant Governor, an office created under the constitution of 1874 to which office he was elected and served a term of four years, although most of the Republican state ticket was elected. The nation was suffering from the panic of 1873. Labor was disaffected and blamed the Republican party for the hard times. Gov. Latta was popular with the labor element and it supported him, reversing the normally large Republican majority in the state. A Democratic Congress and State Legislature, Democratic on joint ballot was elected the same year, resulting from the same political discontent.

In July 1877, the railroad strike and riots occurred resulting in vast disturbance of traffic and destruction of railroad property in the United States. The round house, Union Depot, the grain elevator and a large amount of trackage and other railroad property in Pittsburgh were burned, and a riot of large and dan-

gerous proportions ensued, resulting in loss of life and injury. The strikers were in possession of the railroad property. Governor Hartranft at the time was in the distant west and the burden of suppressing the riot and restoring order devolved upon Gov. Latta. He assumed charge of the National Guard and ordered troops from Philadelphia and elsewhere to Pittsburgh. The Philadelphia regiment on its arrival in Pittsburgh was assailed by the mob and fired, causing considerable loss of life and injury. Public order was finally restored and the railroad administrators were put in possession and management of their properties.

After the expiration of his term as Lieutenant Governor, Mr. Latta resumed the practice of law. He served on the school board of Greensburg in the early 80's. In 1886 Gov. Latta was the nominee of Westmoreland county for Congress in the district composed of Westmoreland, Fayette and Greene counties. Fayette and Greene counties each had a candidate. The conferees failed to agree upon a nomination. The state Democratic executive committee came to the district and undertook to solve the difficulty by the selection of Gilbert T. Rafferty, of Allegheny county. All of the counties in the district revolted against this carpet-bag nomination and refused to support Rafferty. Dr. H. L. Donnelly, of Latrobe, was selected by the county committee of Westmoreland county and he was endorsed by Fayette and Greene. The result of the election was the overwhelming defeat of Rafferty. Donnelly came within a few votes of election, but the votes deflected to Rafferty resulted in Donnelly's defeat.

Governor Latta was one of the most companionable of men, genial, democratic, optimistic and of pronounced social disposition, he was a favorite in every assemblage of men. In order to enjoy his friendship it was not at all requisite that the acquaintance should be characterized by neighborhood, early association, fellow-craftsmanship, age, race or like political affiliation. All who knew him were drawn to him in a social kinship as constraining as the ties of blood. He was particularly approachable by and friendly to the young men of his profession. There was nothing of that austerity and reserve about Gov. Latta that characterized some of the older lawyers, to repel the diffident advances of the newly fledged lawyer struggling for his place in the sun, under his discouragements, his inexperience, his consciousness of his ignorance of the law, and an exaggerated sense of the greater ability and experience of his elders in the profession. The tyro always found friendship, sympathy and understanding in Gov. Latta.

Mr. Latta, after a long professional life of 54 years, rich in friendships, abundant in labors, revered by young and old, died in Greensburg on the 15th day of February, 1913.

ARCHIBALD A. STEWART, Esq.

Archibald A. Stewart was born in Indiana County, Pa., on the 3rd day of March, 1833, of Irish parentage. He was educated at Jefferson College, Canonsburg, Pa., from which he was graduated in 1854. He read law with Hon. Henry D. Foster and was admitted to the Bar in 1846. He was a man of but a single occupation—the practice of the law, and circumstances coincided with his desire to seek no avocation which would weaken his allegiance to his vocation, the law.

Mr. Stewart immediately entered into practice and continued until the time of his death, July 3, 1881, to give his whole time to his profession. As a young man from an adjoining county he had no constituency to furnish him with a clientage, no family influence to forward his ambitions. He was hedged about by a Bar that was strong, able and experienced, that had pre-empted the legal business. If he broke into the charmed circle the force must be from without, unassisted by any sappers and miners or regiment of friends, but by individual assault with such arrows in his quiver as nature and education had given him. As opportunity presented he developed the quality of a hard fighter, throwing the whole force of his ability and will into the combat, and he gained a measure of success which soon brought him a large practice.

In 1860 Mr. Stewart was elected District Attorney and was re-elected in 1863, serving the two terms with ability and acceptance. He had a taste for the rough and tumble of criminal practice and he tried more cases in the Quarter Sessions than any other member of the Bar in the same period. To engage his service it was

not essential that the client had money. It was sufficient to him that a person's life or liberty was at stake. The law was a Nemesis in full cry after the victim, and Mr. Stewart interposed between them, invoking every presumption in favor of the prisoner and setting up every objection to evidence permitted by the law. He went to the Jury with the aggressiveness of a strong will, the persuasiveness of an adroit lawyer and the eloquence inspired by a sympathetic heart with such effect as always to capture the gallery gods, and frequently the jury, and procure verdicts, entered sometimes, with dissatisfaction and misgiving by the Court.

Mr. Stewart had but one political ambition in life —to occupy the Bench. He believed that he had the learning, ability and temperament to efficiently fill the position. This opinion was confirmed by a large majority of the Democratic party, but there were many, including an influential portion of the Bar, who thought he lacked the judicial temperament.

When Judge Logan in the summer of 1879 resigned to become Solicitor of the Pennsylvania Railroad, James A. Hunter, Esq., was appointed by Governor Hoyt to fill the vacancy until the first Monday of January, 1880. He received the nomination of the Republican party for the succeeding term. The Judicial District was nominally Democratic by about 1,000 majority. James S. Moorhead, Henry C. Marchand and H. P. Laird contested with Mr. Stewart for the nomination. The contest was vigorous and was waged with considerable acrimony. Mr. Stewart was nominated by a considerable majority. Judge Hunter had made good as appointive Judge. The animosities gendered

by the nomination became inflamed. Mr. Stewart's attitude toward his defeated rivals for the nomination and their friends was not conciliatory or tactful. The result was the election of the Democratic ticket by majorities from 618 to over 2,100 with the exception of Mr. Stewart who was defeated, Judge Hunter carrying the County by a majority of upwards of 1,000 votes.

Mr. Stewart never recovered from this blow. His genial nature turned sour. He bitterly denounced as traitors all Democrats whom he believed had not supported him. He would assail these on casually meeting them with unmeasured fury. Many of his friends took his defeat so much to heart that they severed their allegiance to the Democratic party and helped to turn the County over to the Republican party to which it has adhered, with some exceptions, ever since.

While Mr. Stewart had a large practice in the Quarter Sessions, he had considerable practice in the Orphans' Court and in the Court of Common Pleas. He was less successful in the Civil than in the Criminal Courts. Time has made little change in the principles of the Criminal law. Almost all felonies and misdemeanors received their classification and definitions in the obscure past when the Common Law was evolving into a system to regulate the social order. Presumptions of guilt and innocence; the presumption that the perpetrator intends the consequences of his act; the measure of proof to overcome the presumption of innocence and other principles of criminal jurisprudence devised by the Courts to safeguard life and liberty are so elementary and unchanging that they are as familiar to the young practitioner as to the old, and the labor of preparation of a case is, largely, to become

familiar with the facts. But the civil law is the subject of daily decision and development to adapt it to the changing circumstances and development of civilization. This necessitates constant study to keep abreast of current decisions. Mr. Stewart, either because he was overrun with clients, or was disinclined to daily study, or was inclined to rest on past attainments sometimes met defeat because he had not burned the midnight oil in travail with the issues of his case.

Mr. Stewart was a man of large mould, with flashing brown eyes that lighted up when his interest was aroused, and of handsome face. He was fastidious in dress. He was devoted to his office and could always be found when wanted. He did not find it expedient to immure himself in an inner chamber with a buffer to entertain and announce callers, but whether the caller came on business, on politics or to kill time till his train was due, Mr. Stewart met all comers and honored their requisitions on his time.

Mr. Stewart was kind and generous to anyone in want of either service or financial aid. No worthy person or cause appealed to him in vain. His charity was misplaced at times when the unworthy scoundrel had the skill to play upon the harp strings of his benevolence, but he would rather err in the attribute of mercy than be finical in judgment. He would rather unworthily bestow than unmercifully withhold.

At the age of 49 years, in the noon tide of life, in the full vigor of body and mind with the obstacles that impede the pathway to professional success all scaled, but sick at heart because his life's ambition had been thwarted, Archibald A. Stewart came to his untimely end.

ANDREW M. FULTON, Esq.

Andrew M. Fulton was born at the ancestral home near Hunker, Hempfield Township, Westmoreland County, Pa., on the 9th day of September, 1828, of Scotch-Irish parentage. He was educated in the common schools and at Sewickley Academy. He read law with Hon. Edgar Cowan and was admitted to the Westmoreland County Bar at November Term, 1860.

Mr. Fulton came to the Bar on the eve of the Civil War. During the succeeding four years conditions were not favorable to the accumulation of a large practice. Men's minds were heated by discussion of the issues of the war. Political feeling ran high. Business was disturbed, young men were entering the service in large numbers and the conditions which conduce to the buying and selling of real estate and the promotion of business enterprises were chaotic and left little of profitable business to absorb the energies of lawyers. Numbers of his professional brethren enlisted and Mr. Fulton also enlisted in the Home Guards when Col. Morgan, the Southern guerrilla, was raiding Ohio, West Virginia, and was threatening Pennsylvania. He became Lieutenant in Capt. Z. P. Bierer's Company and served until the emergency had disappeared.

Mr. Fulton was of mature years when he came to the bar. He settled down to practice and acquired a considerable business. He was clear headed, persistent in asserting the claims of his clients before the Court and was a man of marked individuality. He was very active in politics, although not seeking elective office. He was strong in his attachment to the Republican

party, was forcible as a stump speaker and, with Logan, McAfee, Wentling, Hunter and other apostles of Republicanism he led the forlorn hope of his party in Westmoreland County, which was then denominated the "Democratic Star of the West."

The ancestors of Mr. Fulton were Seceders, a branch of Calvinists now enfolded in the United Presbyterian church. He was a strong believer in the faith and practice of his denomination, and liberally fostered the infant congregation then recently organized in Greensburg. He had great veneration for the Psalms of David as a manual of praise. Upon one occasion he and Judge Hunter were on a political pilgrimage to the northern part of the county to make political speeches. They had reached the Union United Presbyterian church, in Franklin township and had stopped to lubricate their vocal organs for the occasion by taking a drink. After Hunter had been refreshed and had handed the bottle to Fulton he stooped and picked up from the ground a printed leaf from the Psalter. He read it and said to Fulton: "Listen to this, Andy," and then read from Rouse's version:

"O do thou open wide thy mouth,
It, will I fill abundantly."

Fulton proceeded to take his drink and then gravely turned to Hunter and said: "Jim, didn't I always tell you that there was something in the Psalms appropriate to every occasion?"

This quick wit was a predominant characteristic of Mr. Fulton. Upon one occasion in court before Judge Logan, Mr. Fulton was pressing a point in his argument with great earnestness. The Judge thought

Mr. Fulton had not sufficiently proved the fact from which he drew his inference, and intimated as much to Fulton, and stated that he could not take cognizance of a principle not founded on fact. Mr. Fulton persisted. Judge Logan's patience became frayed and he turned to Fulton to say that the court knows nothing of a fact which was not proved. He said: "Mr. Fulton, the court knows nothing—" when Fulton quickly interrupted, saying: "I know the court knows nothing, but if you give me time I will tell the court something." No one appreciated the witticism of the reply more than Judge Logan himself.

In 1870, Mr. Fulton was elected and served a term in the lower House of the Pennsylvania Legislature in the legislative district composed of Westmoreland and Indiana counties. In 1873 he became a member of the convention which framed the Constitution of Pennsylvania that became effective on the first day of January, 1874. This convention was made up of many of the ablest lawyers of the state and they produced an organ of government that has lasted longer than any Constitution previously adopted in the state. The State made its greatest industrial progress since its adoption. It did away with the evils of local and special legislation for which the Legislature had been a greatly over-worked pack horse from the foundation of the Commonwealth, and required the laws in their application to be general throughout the state, and to embrace but one subject, to be clearly expressed in the title. Under this Constitution the Commonwealth was freed from liability in the creation of any debt except for insurrection, invasion and wars, and the heavy

burden of debt under which the state had groaned for many years (the legacy of prior constitutional license), was finally paid off in the recent past, and the state was free until the ban was recently lifted by amendment to the Constitution to enable the State to embark in the present public road construction policy.

Mr. Fulton married late in life. He acquired a considerable estate, a part of which was a comfortable home he erected on Westminister avenue, Greensburg, but which he did not live long to occupy. He died childless after brief illness, on the 7th day of April, 1878.

JAMES J. HAZLETT, Esq.

James J. Hazlett was born in Indiana County, Pa., in 1839, of Scotch lineage. He was educated at Jefferson College from which he was graduated in 1860. He read law with Hon. Henry D. Foster, and was admitted to the Westmoreland bar at May Term, 1864.

In the 60's and early 70's, Westmoreland and Indiana counties both belonged to the 10th Judicial district. Indiana county lay more inland, was less served by railroads, had less diversified industries and less population than Westmoreland county. Westmoreland county was looked upon by young lawyers and prospective law students, in a measure, as a land of Canaan abounding in luscious grapes, and flowing with milk and honey, and therefore the place of opportunity. Some of them have come over and found it such, and have developed their professional careers at the Westmoreland bar to the enrichment of its renown and their own advantage. Success in life, to some extent, depends upon opportunity. The leading citizen of Seriphus said to Themistocles, "You would not have been famous if you had been born in Seriphus," Themistocles replied, "Neither would you if you had been born in Athens." It is doubtful if the great soldier, statesman and hero of Salamis reduced the leading citizen's estimate of the importance of himself and his little island by his answer to the challenge, but he gave semblance to the claim that the large place, furnishing great opportunities, develops big men.

In physical aspect Mr. Hazlett was tall and erect, and of commanding appearance. In taste and manner of dress, he was the "Beau Brummel" of the bar. In

approach, he was the hale fellow, well met, alike popular with his brethren of the bar and the masses of men with whom he came in touch. Without loss of dignity he was democratic; without cant he was serious-minded; without frivolity he could be gay; without display he was charitable.

Soon after coming to the bar Mr. Hazlett married Elizabeth, only daughter of Senator Cowan. He located in the office of Mr. Cowan who was then in the United States Senate. He was at once brought into association with a lawyer of ripe age, experience and great ability, in acquaintance with an extensive clientele, and he soon became immersed in an extensive practice. Mr. Hazlett had a good legal mind and was an able and accomplished lawyer. He was combative and fond of the trial of cases, both civil and criminal, and was a forcible advocate before a jury. No man better understood the dramatics of a trial than did he, and therefore his conduct of a trial always procured him an audience of delighted listeners who imparted currency to his witticism and exploited his fame, and thereby extended his constituency to every part of the county.

With his gifts as an advocate it is not surprising that he was fonder of the forum than the study. He was well versed in the general principles of the law. This equipment may, and usually, does answer the every day demands of the counsellor to the client in the office. It does not always meet the emergency in the trial. It is easy to assert to the court "*ita est lex scripta*," but the court wants to be shown where the law is so written. "What cases do you refer to?" is the relevant, material, inevitable and sometimes dis-

concerting inquiry of the court. Mr. Hazlett knew and could explore the gloomy corridors of the law and brief the cases, but he was willing to let some one else do this who was fonder of that than he was.

In 1878 Mr. Hazlett formed a partnership with Vincent E. Williams, Esq., which continued during the remainder of his life. The partnership yet survives under the name of Williams, Wegley & Doran, and is one of the longest established associations of lawyers at the bar. From the start the firm enjoyed and continues to enjoy a large and diversified practice.

Mr. Hazlett was popular with the officers and attaches of the court, but it was impossible to get along with "General" Poulson, the court crier. He had but one object—to magnify his office. On one occasion Mr. Hazlett, who was to close a case to the jury, was standing in the aisle back of the jury in deep reflection over the argument being made by his opponent. His position was allowable and his attitude entirely respectful. Poulson ordered him to take a seat, which Mr. Hazlett did not hear and was not bound to obey. Poulson with his hickory cane struck him a smart blow across the shins, causing Mr. Hazlett to lose his temper, make the air sulphurous and administer a sound cuff to the officious factotum of the court.

Mr. Hazlett lived in the fine old Col. Jack mansion in East Greensburg, where he and his wife dispensed a liberal hospitality. He took a lively interest in politics, being a Democrat, but without ambition in politics. He was Presbyterian in faith. While in the midst of his professional activities, with his eyes undimmed and his natural force unabated, he became the prey of sudden illness and died in 1887 in the 49th year of his age.

MARCUS A. CANDERS

Marcus Aurelius Canders, Esq., was born in South Huntingdon Township in 1839. He was educated in the common schools. He read law with Hon. Edgar Cowan and was admitted to the Westmoreland bar at November Term, 1860.

In appearance, Mr. Canders was tall, angular and full bearded. He was polite, social and practiced the manners of the old school lawyer. He habitually wore a high silk hat, a "Prince Albert" coat and pantaloons to match. He insisted on the harmonies of dress and indulged in severe animadversions on the lack of judgment in dress which he thought was displayed by one of his brethren who was well-to-do, well connected socially and a lawyer of great reputation. He complained that the lawyer referred to had no taste in dress, that he always wore a forty dollar coat and vest with a two-dollar pair of pants.

Mr. Canders was happy-go-lucky in the practice of his profession. He was willing to work, but not too hard. He was willing to acquire a knowledge of the law, but it was easier, and characteristic of him, to deliver the oracles of the law by way of advice to a client after he had gotten the opinion of some one of his legal brethren and then gravely, and with appearance of having drawn from the deep fountain of his own learning and experience, give that as his opinion than it was to trace the stream to a source that led through black letter law to the founders of legal principles. It was easier to search the files of the courts and copy a pleading than it was to draw it from a

knowledge of the principles of "Stephen on Pleading." It was easier to absorb the law of evidence by attendance in court and listening to the offer, the objection, the debates and the decision of the judge than it was to get it at first hand by laborious study of "Story" or "Greenleaf on Evidence." It was easier to try a case without preparation than to prepare and try it.

To succeed by following the line of least resistance presupposes a keener wit, a quicker perception, a readier adaptability and more-sufficient control of mental gravity that will enable the individual always to land on his feet and maintain the perpendicular than most men have been endowed with by nature. The line of least resistance is not found in the pathway of the lawyer who attains eminence. Eminence comes to him only by the *lucubraciones viginti annorum*. It is not questioned that there have been, are and always will be members of the bar who find such a line, but it is a deflection from the pathway of the true lawyer and sends him afield and bogs him down without sense of direction or means of extrication.

Mr. Canders could do some things well. He did not try many cases in court, but was in frequent hearings before magistrates. He frequently assisted other lawyers in such office work as he was familiar with, and was neat and clerkly in its performance, conscientious in the service rendered and contented in that kind of employment. He was not devoid of a sense of the dignity of his profession. He valued his able brethren highly, and withal had a competent sense of his own importance. He availed himself of the assistance of his brethren freely, without "looking a gift horse in the mouth."

Mr. Canders managed to practice law without a fixed abiding place. His office was wherever he found pen, ink and paper. He was particularly attached to Mr. Hazlett whom as a lawyer he greatly admired, and from whom he was the recipient of many favors. Hazlett, in his early days had his office with Mr. Cowan. It was a favorite meeting place for the younger limbs of the law in hours of relaxation, or when time and clients were yet out of balance. Hazlett knew Canders well enough to know when he was thirsty and was about to make a touch for the price of a drink, but he insisted that he prove his sobriety before responding to the touch. The customary test was that he must walk a crack the entire length of the floor without side-stepping. If the day was yet young Canders could toe the mark.

Mr. Canders was ingenious in determining the amount of the fee he could procure for his services. It was many times attended with the dangers of the voyage between Scylla and Charybdis. Scylla was the rock of the client's parsimony; Charybdis was the amount of cash he had in his pocket. On one occasion while in Christ Cribbs' cigar store, a favorite resort, a farmer client asked Canders to examine his deed and see if it was properly executed. The client paying for a purchase at the store had a number of silver dollars in his hand. After Canders had advised him that his deed was good the client asked him his fee. "Oh, just what you have in your hand," Canders replied to the surprise and chagrin of the client.

It frequently happened that Canders and his friends indulged in tales that were marvels of exag-

geration. The measure was, "If a lie will do thee grace, I'll gild it with the happiest terms I have." Canders never would permit himself to be out-rivaled by the measure of the exaggeration. Some pretty tall tales had been told to illustrate how far back into childhood the relators could remember. Canders listened in silence and then said, "Boys your memories show that you are only pikers. I can remember at the moment of my birth of seeing the candle burning on the mantel piece."

Never very vigorous in health Mr. Canders died in Greensburg in 1885.

JOHN A. MARCHAND, Esq.

John A. Marchand was born in Greensburg, Pa., on the 8th day of June, 1842, of French-Huguenot and German ancestry. He was educated at Washington College, Washington, Pa. He read law with his uncle, Henry C. Marchand, Esq., and was admitted to the Westmoreland Bar at May Term, 1864.

The subject of this sketch was the scion of a family that had won distinction in the military, naval, medical and legal professions in the United States. Dr. David Marchand, the great grandfather, the first Huguenot ancestor to settle in Pennsylvania, was driven 140 years ago from France by religious persecution. He settled on the Sewickley Creek in Westmoreland County. He was an eminent physician and surgeon. He had a large family, four daughters and three sons, all of the sons entering the medical profession. Dr. David Marchand, the grandfather, was Prothonotary of the County and represented the Congressional District two terms in the lower House of Congress. He had seven sons and two daughters. Of the sons, Albert G. Marchand, father of John A. Marchand, entered the legal profession and became a lawyer of ability and large practice. He served the district two terms in Congress and died in his 37th year. Henry C. Marchand, another son, was an able and successful lawyer, who died in January, 1882. Commodore John B. Marchand entered the Navy. In the U. S. ship Brandywine he was sent around the world by the Government. After his return he participated in the bombardment and capture of Vera Cruz in the Mexican

war. In the War of the Rebellion, as Captain in command of the U. S. ship Lackawanna he took a prominent part in the destruction of the Confederate fleet and forts at Mobile Bay. To complete the naval and military annals of the family, Dr. Samuel Marchand, of the Fayette County branch of the family, enlisted in the War of the Rebellion and was wounded, captured and died in Libby prison.

With a family tree wrenched from its native soil by the hand of oppression and transplanted to a kindlier soil where its root struck wide and deep; with its wide spreading branches grafted to and bearing a diversity of fruits ministering to the growth of the Nation in peace and war, Mr. Marchand, at the outset of his life met the challenge to live up to the history and traditions of his distinguished family. Which avenue to a deedful life would he take? Several paths well trodden by his ancestors beckoned to him. Some of them had hung their shields in positions of honor in the military and naval halls of fame. Others shed lustre in the hall of medical science. His own immediate progenitor and his uncle had hung their shields high on the walls of the Temple of Justice. These latter shone with the greatest effulgence to his roving eye, and he selected the law.

Mr. Marchand came into a practice ready made. His uncle Henry was sustaining a practice that had grown to large proportions, of staying quality, under 32 years of the fostering care of his brother Albert and himself. He united the youthful John, familiarly called "Jack" by his brethren, into partnership. It subsisted for 18 years, until the death of his uncle and

furnished him with the most unremitting employment that falls to the professional life of any lawyer. The Marchand firm for much of that period were the general counsel of the Pennsylvania Railroad and its allied lines, and solicitors for many of the large coal companies operating in the county. They had a very large practice in the Orphans' Court, at many terms filing at least one-half of the accounts of estates brought in for distribution.

Mr. Marchand, under the tutelage of his uncle, was extremely methodical. Their habit was to come down to the Court House early in the morning with the day's calendar of work made out. After finishing all the tasks, they returned to meet and serve the influx of clients which the morning trains brought to their office. "Jack" Marchand was a writer of more than usual skill. His handwriting was rounded, artistic and legible and his papers models of neatness and devoid of redundancy. The possession of such an art in the time preceding the advent of typewriters was valuable, subjectively for the office files, and objectively before Court officers, members of the bar and clients to whom correspondence was addressed.

After the death of his uncle in 1882 Mr. Marchand continued to practice alone until 1886 when Paul H. Gaither, Esq., entered the firm. In the early 90's Hon. Cyrus E. Woods, at present U. S. Ambassador to Japan, and son-in-law to Mr. Marchand, entered the firm which then became Marchand, Gaither & Woods. Later Judge Charles E. Whitten became a member and remained till his accession to the Bench. The business still continues under the firm name of Gaither, Portser

and McConnell, and their office is still the legal mecca of a large general clientele and corporations who have been patrons for more than a generation.

Mr. Marchand was not a politician in the sense of seeking office. The only office he held was membership in the borough council and mayor of Greensburg. By appointment he was Register in Bankruptcy from the passage of the Bankrupt Act in 1868 until its repeal in 1878. He was also president of the Merchants and Farmers National bank. Mr. Marchand was genial and enjoyed the social fellowships of life, but above all he was diligent in business and never allowed social or other distractions to interfere with business. In religion he was a member and officer of the Protestant Episcopal church. He died after brief illness on the 5th day of August, 1896, in the 55th year of his age.

WILLIAM M. GIVEN, Esq.

William M. Given, was born in Wheatfield Township, Indiana County, Pa., on the 18th day of October, 1842, of Scotch-Irish parentage. He was educated in the common schools. He read law with Hon. Henry D. Foster and was admitted to the Westmoreland Bar at May Term, 1862, at the age of 20 years.

Mr. Given was a son of Robert Given who was elected an associate judge of Westmoreland county in the fall of 1860, and continued to preside on the bench until 1871. The office of associate judge had existed from 1801 until it was abolished by the Constitution of 1874, as to Westmoreland and many other counties of the State. The associate judges were selected from the prominent laymen of the county, distinguished by sound judgment. They were not learned in the law, but being men of prominence and generally of imposing appearance they added dignity to the bench, but the President Judge, who was a trained lawyer, delivered the oracles of the law and bore the responsibilities in the administration of justice.

In early life Mr. Given taught in the public schools in St. Clair Township. The public school has been a favorite nursing mother for embryo lawyers. Of the members of this bar, but few have not stepped from that field of activity into the legal profession. In every instance they were better lawyers by reason of the experience gained in teaching. There is no better place than the school room for the study of human nature; for the cultivation of the disciplinary virtues of life; for the finding of the avenues leading to the

intellect and affections; for the training of the mind to be accurate in the knowledge acquired to the end that it may be imparted with advantage to others. It is submitted that all of these are essential elements in the making of a successful lawyer.

Physically, Mr. Given had all the dimensions. He was of large frame, straight as an arrow, well proportioned and of the general physical aspect that promised great powers of endurance and long life. Mentally, nature had not been less lavish, for he had been endowed with a strong intellect, quick in perception, acute in its power of penetration and logical in its deductions. He was not given to verbosity, the vehicle of unconsidered thought, but his language expressed the results of careful investigation and matured judgment. He winnowed, and weighed, and measured. It was because he possessed these mental qualities and exercised these mental processes that it was said of him by a just and appreciative writer John N. Boucher, Esq., that "His style of expression was at once so elegant and forceful that his every utterance apparently had the weight of a judicial decree."

Mr. Given had a good working knowledge of the law. He excelled in his knowledge of the principles of the criminal law, and made his greatest reputation in defense of persons accused of high crimes. The welfare of human society requires that punitive justice be shod with the leaden heel and be equipped with the iron hand. To accomplish its objects in the punishment, it must be merciless to be effective, it must be remorseless to be consistent. It patterns its penalties on the principle of the *lex talionis*—blood to avenge blood, life in expiation for life taken. The humani-

tarian sociologist may doubt the efficacy of this principle of punishment to prevent crime on the part of the criminally inclined, but the cloud of retribution charged with such a thunderbolt strikes terror in the man of sensitive heart, and invokes his pity and his aid to the accused. Mr. Given enlisted all of the attributes of his capable intellect, all of the wealth of his emotions, all of the powers of his strong will in defense of the man driven to bay by the law when it was making inquisition for blood.

Mr. Given's first notable case as defendant's counsel was the case of the Commonwealth vs. Hull, charged with the murder of Parker, a Pennsylvania Railroad conductor. The defense was conducted with consummate ability by Mr. Given. His address to the jury added to a reputation already illustrious for majestic power, and was long the subject of favorable comment by those privileged to hear it.

Associated with Mr. Todd, District Attorney, and Gov. Latta, Mr. Given was counsel for the Commonwealth in the prosecution of William Drum for the murder of David Mohigau at the entrance to a bar-room in Greensburg, tried at November Term, 1868. Drum was a member of the distinguished family of that name in Greensburg. There had been some difficulty between the parties on a previous day. It was alleged by the Commonwealth that Mohigau had been engaged in a fight, unarmed, with Miskelly; that Drum stepped up with a knife with which he had armed himself; and stabbed Mohigau to death. The defense alleged that Mohigau had struck the defendant; that he was hemmed in and used the knife in self-defense;

that he had not prepared himself with the knife but had it on his person because he used it in hunting. The prisoner was defended by Cowan, Foster, Keenan and Hunter. It is impossible to read the case without concluding that it was prepared with care and tried with great ability on both sides. Justice Agnew of the Supreme Court, by its appointment, presided at the trial by reason of Judge Buffington's disqualification on account of relationship to the prisoner. The prisoner was convicted of murder in the second degree. Mr. Given's argument to the jury was a masterpiece of fervent eloquence and sound logic. The case is reported in 58 Pa. State Report, page 1. Judge Agnew's charge to the jury is so clear an exposition of the law of homicide that it has become a model to the judiciary in the law of homicide and it is doubtful if any Pennsylvania lawyer has since tried a homicide case without first sitting down and reading it.

Mr. Given was a capable practitioner of the law on the civil side of the courts, and would have taken his place as a contender with the best if he had lived, but he died suddenly of an affection of the heart on the 27th day of June, 1884, in the forty-second year of his age.

EDWARD J. KEENAN, Esq.

Edward Johnston Keenan was born at Youngstown, Pennsylvania, on the 3rd day of April, 1834, of Scotch-Irish ancestry. He was educated in the schools of Greensburg. He read law with Henry C. Marchand, Esq., and was admitted to the Westmoreland Bar at November Term, 1863.

The relationships of his life naturally inclined Mr. Keenan to the study of the Law. Two of his brothers were lawyers. Another, General James Keenan, had been trained in the law, and in the course of his diplomatic service as U. S. Consul to Hong-Kong, China, he became an expert international lawyer. His cousin, Governor William F. Johnston, was a lawyer of renown. Upon a pathway so studded with legal luminaries it was natural that he should enter.

Prior to coming to the bar Mr. Keenan enjoyed an advantage that comes to few men in the impressionable years of life. When sixteen years of age he accompanied his brother to Europe and spent a year in England. It gave him that breadth of view and that knowledge of men which in itself was a liberal education. In his subsequent journalistic career the knowledge and experience thus gained stood him in good stead and contributed to making him the facile and ready newspaper man he afterwards became.

Mr. Keenan in his young manhood enlisted in the War of the Rebellion and served as first lieutenant in the Eleventh Pennsylvania Reserves, and was afterwards transferred to the Signal Corps. He had already held positions of responsibility and had exten-

sive business training. At the age of eighteen years he was editor of the "Greensburg Democrat". He had served a clerkship in the office of Register and Recorder, and later was elected to that office and served a term.

When he returned from the war, Mr. Keenan entered upon the practice of the law and soon acquired prominence at the Bar. His engaging personal qualities drew to him a considerable clientage, and he became an adroit trial lawyer, one equally skilled in maneuvering his adversary upon dangerous ground and resourceful in extricating himself from positions of peril in the trial. Among the many arrows in his quiver was a strong sense of humor which he could summon with equal readiness in the passages at arms in the trial and in his argument to the jury. His strategy in a lawsuit was inscrutable to his adversary, for he consistently followed the maxim, "Admit nothing, and demand proof."

Mr. Keenan was a politician of parts. During most of his active life he owned and edited the "Greensburg Democrat" later the "Republican and Democrat." The double title of this latter publication was an apparent misnomer if it imparted the idea that the paper promulgated partisan Republican doctrine. Never did a newspaper minister less aid and comfort to the Republican party, or was a more loyal advocate of Democratic principles. Mr. Keenan was a strong, unswerving partisan. Democracy was the breath of his nostrils, lurid, devastating, consuming to the opposition. It may be safely assumed that the controlling motive in the ownership and the assumption and

bearing of the burden of its management was his love of political strife. In a heated campaign he asked no quarter, and gave none. He wielded a trenchant blade, of the quality of Damascus steel; keen of edge, penetrating to the joints and marrow, and he wielded it in the spirit of, "Lay on Macduff! and damned be he who first cries, 'hold, enough'!" He waged incessant warfare against Hon. John Covode, long time Republican Congressman from this district. His heaviest broadsides were frequently directed at J. R. McAfee, Republican political leader and editor of "The Tribune," notwithstanding his many philippics directed against these gentlemen as political opponents, he lived on terms of personal friendship with them. Indeed, this absence of rancour was one of his most charming characteristics. He could engage strenuously, strike lustily and pierce keenly, but there flowed from the genial, kindly unpoisoned fountain of his heart the ointment that quickly healed the wounds he inflicted.

Mr. Keenan wore his generosity and kindness of heart upon his sleeve. The boys of the town, now grizzled citizens, knew "Uncle Ned" as they affectionately called him, as a perpetual and unfailing reservoir which they were privileged to tap on all proper occasions to supply their boyish wants. On Christmas there was a regular and concerted hegira from their homes to the home of "Uncle Ned," upon the outskirts of town for the Christmas treat, usually in money, which they knew awaited them. He never ceased, with all his burdens and labors, to be a boy himself, with a boy's exuberance of spirit, aspirations, appetite, sense of want, and all that creates a kinship

with youth. To him a boy was an entity who imprisoned great potentialities. He delighted to open the prison doors and give these powers full play upon a field designed to accelerate their development.

Mr. Keenan's naturally vigorous body yielded to ill health in the prime of his life and usefulness, and for several years preceding his death he was laid aside from pursuing his avocations. When periodic ameliorations of his condition permitted him to come back to his office and the court house his appearance developed into a levee of his many friends eager to greet him on his return to their midst, but his life was ebbing and he died at his home in Greensburg on the 1st day of June, 1877, in the 44th year of his age.

JUDGE JAMES A. LOGAN

James A. Logan was born in Burrell Township, Westmoreland County, Pa, on the 3rd day of December, 1839, of Scotch-Irish parentage. He was educated at Elder's Ridges Academy, from which he was graduated with the honors of his class. He read law with Major William A. Stokes, completing his studies with Hon. H. P. Laird, and was admitted to the Westmoreland County Bar at May Term, 1863.

Judge Logan had his upbringing as a farmer boy on the rugged hills that fronted the Allegheny river. He was remote from the County Seat, but the siren voice of its bench and bar had caught the ears of the ambitious youth and its lure turned his footsteps from the ill-requited wrestling with an ungracious soil to the more congenial labors, honors and emoluments of professional life. He was small of stature, spare of form, young in years, and environed by a bar that possessed great ability and renown when he began to practice. Are these handicaps? Handicaps are imposed to secure equality to competitors in a race. They are usually effective of the purpose. If competition in the legal profession may be regarded as a race, the tyro is confronted by the strange anomaly that those who could best sustain the handicaps by reason of ripeness of age, length of experience, accumulation of wisdom and extent of renown, bear no handicaps, but run unimpeded; while those least qualified to sustain them have them annexed, and if they win they must win in despite of them. When they do rise to eminence it will be found that the handicaps have become spurs to goad into activity qualities that make competent to win, however impeded.

Judge Logan had the qualities that win to eminence. He was a human dynamo of energy. He was a hard student. He had constant use for the key that unlocked the storehouse of legal learning. He soon accumulated a large practice and acquired a reputation as a sound, hard-hitting, successful trial lawyer. It was significant of the fame of his legal attainments that within a few years after his admission to the bar he was selected by the Pennsylvania Railroad Company as its local solicitor. He became counsel for and a director of the South West Pennsylvania Railroad penetrating the Connellsville coke region, a road that has transported more coke than any other, and that is now incorporated into the Pennsylvania System as one of its most profitable feeders.

Judge Logan's fame does not rest on his ability as an advocate. He seldom addressed a jury. He could not, at least he did not, indulge in those flights of eloquence that are the product of a vivid imagination, a highly sensitized emotional nature and an acquaintance with the literature that records those incidents in human life that sets in vibration the chords of human affections, and he was not master of the poetic language in which these find fitting expression. But in addressing an argument to the bench, or delivering an opinion from the bench, he was master of a plain, unadorned English that gave point, clearness and lucidity to his opinions.

In 1868 Gen. Henry D. Foster and John Covode were rival candidates for Congress. On the face of the returns Gen. Foster had a small majority. A contest ensued, the ultimate result of which was that Covode obtained the seat. Judge Logan acted as

counsel for Covode and greatly expanded his reputation. Another case which was hotly contested was a suit brought by Col. Israel Painter and John Snodgrass against the Pennsylvania Railroad for an alleged overcharge for the transportation of beeves to the Union Army. The contest was referred to the arbitrament of Judge Buffington, Judge J. K. Ewing, James Veach and Daniel Kane of Fayette County, and Hugh Weir of Indiana county, all able lawyers. Judge Logan was counsel for the railroad company and won a substantial victory.

In 1871, Judge Buffington resigned as judge of the 10th Judicial district, composed of Westmoreland Indiana and Armstrong counties. Judge Logan was appointed to fill the vacancy until the next election. He was nominated and elected to the 10-year term beginning January, 1872. His Democratic opponent was Hon. Silas M. Clark of Indiana, who, nine years later, was elected a justice of the Supreme Court of Pennsylvania.

When Judge Logan ascended the bench he was but 31 years of age. The youngest judge in the state was called to preside over the largest judicial district in the state. The position was one of great labor and responsibility. Owing to the declining health of Judge Buffington there was several year's accumulation of untried cases in the Common Pleas of each county in the district. The task of making prompt disposal of these cases and bringing the trial lists up to date seemed hopeless. Members of the bar were not helpful in expediting trials. The habit of agreements to continue, and avoid labor, had become inveterate, but such was the insistent firmness of Judge Logan in

forcing to trial or entry of nonsuits that the issue docket was soon cleared and cases were tried soon after they were brought to issue.

In 1875, what was known as the Italian riots broke out in Westmoreland county. It was a recurrence in the coal regions of the county of what was called "Mollie McGuireism" in the other mining regions of the state. In the turbulence resulting, four Italians were killed. Such was the fear engendered by the lawless element, working in secret, that the officers of the law were hesitant about instituting proceedings. Judge Logan acted upon his own initiative, summoned the grand jury and submitted the facts to them for action. Indictments were found. The moral effect of this was to subdue the lawless element or drive them out of the county and abate the terrorism that lowered over the community.

On the adoption of the constitution of 1874, Indiana and Armstrong counties were severed from the district and Westmoreland alone was made the 10th judicial district. Judge Logan continued to preside over it until June, 1879, when he resigned and removed to Philadelphia to become assistant general solicitor of the Pennsylvania Railroad Company. Soon after he was promoted to the position of General Solicitor which he continued to hold the remainder of his life.

In this relationship Judge Logan had an ample field for the display of his great ability as a lawyer. In 1884, the South Penn. Railroad Company, theretofore recently organized, began the construction of a trunkline extending from Pittsburg to Philadelphia. It had graded much of its roadbed through Bedford, Somerset and Westmoreland counties, crossing Lig-

onier valley from Knupp's tunnel to Mt. Pleasant. An inland portion of the county devoid of railroad facilities was eagerly anticipating the sound of whistling engines in the near future. If finished, it would be a parallel and competing line with the Pennsylvania and Baltimore & Ohio roads. A deal was made by these roads with the antagonistic railroad interests that were back of the South Penn project. Suddenly work was suspended and construction gangs were dismissed and nothing was left but the piers of the bridge across the Susquehanna river and the deep gashes that had been cut across the state along the right of way, Attorney General Cassidy filed a bill in equity to unmask and set aside the settlement. Judge Logan took a leading part in the controversy, representing the Pennsylvania Railroad.

Judge Logan also had charge of the litigation known as the "Filbert street extension cases" in Philadelphia which are reported under the names of Penna. R. R. Co. vs. Lippincott, 116 Pa. 472, and the same against Marchant, 118 Pa. 541. In these cases the Supreme Court decided that the railroad was not liable for depreciation of property on the north side of a public street incident to the lawful operation of its trains on its own property on the south side. With this decision fell many pending damage suits in the State for similar injuries.

Judge Logan, in 1871, married a daughter of Hon. Albert G. Marchand. He had a strong attachment for his old home associates in Greensburg where he made periodical visits. He was staunchly Presbyterian in faith. Washington and Jefferson College in 1888 conferred on him the degree of L. L. D. He died in Philadelphia on the 29th, October, 1902.

FRANK COWAN, Esq.

Frank Cowan, eldest son of Hon. Edgar Cowan, was born on 11th December, 1844, of Scotch-Irish descent. He was educated at Washington and Jefferson College. He read law under the supervision of his father and was admitted to the Westmoreland Bar at August Term, 1865.

If an ancient astrologer had been translated from the Middle Ages to cast the horoscope of Dr. Cowan at the moment of his birth, doubtless he would have found for him that fortunate conjunction of the stars and have placed him in that particular "House of Heaven" which foretold a glorious destiny. The tide of worldly fortune had swelled to its fullest flood when he was ready to embark. His father was an eminent lawyer and scholar and became a distinguished statesman, offering to the son a career in the public service and placing his feet upon the stepping stones that led to the seats of the mighty. His fortune was such as gave him unimpeded entrance to and continuance in the halls of learning. His talents were such as qualified him to stake his place in any field of mental activity. For him the world was at auction, with the means to buy, the disposition to bid, and the ability to cultivate. Which of its alluring fields should he enter, assemble his tools, plant the seed and cultivate the plant to maturity? The allurements were so diversified that in the different periods of his life he chose several fields and, for a time, wrought with zeal in each.

He chose first to serve as secretary to his father who was in the United States Senate. While in

Washington he studied the science of medicine and was graduated as a physician from Washington Medical College. He never practiced extensively. He was admitted to the Supreme Court of the United States, and practiced law for a time in the local courts of Washington. He became one of the private secretaries of President Johnson and served in that capacity while his chief was enduring the throes of impeachment for high crimes and misdemeanors before the Senate of the United States. He participated in the celebrated trial, resulting by a close vote in the acquittal of the President. The trial enlisted the greatest legal talent in the United States and was conducted with a virulence that has never been exceeded in the political history of the nation.

Soon after his return from Washington Dr. Cowan established a weekly journal called "Frank Cowan's Paper," which he conducted for several years. In addition to giving the local news of the county he featured it with a great many of his own original views of science, philosophy, history and politics, and in other miscellaneous writings. As newspapers go, it was a unique publication. Its contents, outside of local news items, were wrought out in its own sanctum, dealing with local history and tradition and early manners and customs of Western Pennsylvania, and was almost devoid of the "boiler plate" and syndicated matter that occupies the columns of the modern local newspaper. His paper had that individuality in both its editorials and miscellany that segregated it from the tendency to standardization in all newspapers that follow the false canon that

demands sameness, instead of responding to the hunger of the reading public for the material provided by the real feature newspaper man. As to the local coloring of his paper, his purpose was the same as stated by him in his preface to his book "An American Story Book:" "That they, (his writings) may prove as characteristic growths of the region referred to, as to a naturalist are the rattlesnakes and the rhododendron of its mountains, and the snapping turtles and hell-benders of its rivers; with, the writer is fain to believe, neither the venom of the first to poison the unwary, nor the slime of the last to excite loathing and disgust in all."

About the beginning of 1880 Dr. Cowan sold his newspaper and started on that zig-zag journey around the world which took him to every important city and center of population on the globe; which acquainted him with the manners, customs and language of every race and enabled him with the trained eye of a scientist to study the flora and fauna of the habitable part of the whole earth. Dr. Cowan with more or less thoroughness had delved into almost every science; he had a speaking acquaintance with many languages; he was familiar with the philosophy, history and literature of the Globe's oldest civilizations, and he pursued his journey with all these advantages and with few of the handicaps that impede the modern traveller. So delightful and informing were the experiences that he subsequently made another journey around the earth, of equal extent. He was therefore the most widely traveled, best informed and most entertaining man in his community. He delighted to re-

count his varied experiences and he was never wanting in an interested auditory to hear and be instructed by him.

Dr. Cowan was a prolific writer. In addition to "An American Story Book," referred to, he published "South Western Pennsylvania in Song and Story," "Curious Facts in the History of Insects," "Zomara, a Romance of Spain," "Rime and Relique, an American Book of Ballads," "Corea, A Monograph," and had in preparation at the time of his death four volumes of "Reveries of a Ramble in Europe, Asia Africa and America," besides having published numerous poems and ballads. These works, covering so wide a range of contents manifest the versatility and extensive scholarship of Dr. Cowan. If he had been as diligent and as capable a press agent to exploit his works as he was in collating the facts and preparing their narrative, his fame as a scientist, scholar, philosopher and all round literary man would have far exceeded its present limits.

Dr. Cowan was so busy in these literary pursuits, to which he had an aptitude and a preference, that he devoted little time to the practice of the law. He was not dependent upon the profession for his living and he lacked that major incentive to immersion in its activities. But, although his dalliance with the blind goddess was fitful and largely confined to the assertion and defence of his personal affairs, yet he possessed the qualifications that would have procured him eminence at the bar if he had concentrated his energies to that end.

In the latter years of his life Dr. Cowan retired to his farm west of Greensburg upon which he erected a capacious dwelling in which he stored his extensive library and the curios which he had gathered in his world travels. In the intervals of study he busied himself with the culture of choice fruits, flowers and shrubbery. He called this retreat "Valhalla," the residence of the Norse god Thor. Its lofty building is visible for miles around. The surrounding farm he called "Mount Odin Park," and after the expiration of thirty years from his death he devised in perpetuity this splendid property, located a mile from Greensburg, along the Lincoln Highway, to the Borough of Greensburg as a park. The people of Greensburg will come into possession in 1935. His will manifests his solicitude that this park shall be as little restricted to the people as is consistent with its purpose as a place of recreation. Dr. Cowan died at his home on the 12th February, 1905.

HON. JAMES R. McAFFEE

James R. McAfee was born in Indiana township, Allegheny county, Pa., on March 10, 1822, of Irish parentage. He was the youngest son of a family of ten children, and was farmer bred. He was educated in the common schools and the Greensburg Academy. He entered the law office of Gen. Richard Coulter, under whom he continued to read law until his preceptor entered the army, when he entered the office of Judge James A. Hunter, completing his studies and was admitted to the Westmoreland Bar at August Term, 1866.

"All the world's a stage, and all the men and
women

Merely players; they have their exits and
their entrances;

And one man in his time plays many parts."

This bit of symbolism, wisely uttered by the libertine Jacques, serves well to introduce the many activities in the busy life of Mr. McAfee. He started life as a farmer boy. He became a merchant and acquainted himself with commercial life. He entered the ranks of the pedagogue and became a school teacher for ten years. He crowned his labor in this profession by serving three years as county superintendent of common schools, from 1857 to 1860. Meanwhile, he took up the study of the law. In 1862 he became assistant assessor in the U. S. internal revenue service. In 1864 he was elected and served two terms in the lower House of the Pennsylvania Legislature. He was for periods clerk of both the

House and the Senate. In 1879 he became deputy secretary of the commonwealth under Gov. Hoyt. In 1870 he established and became the editor of the Greensburg Tribune, which he consolidated in 1872 with the Greensburg Herald under the joint proprietorship of himself, D. S. Atkinson, Esq., and T. J. Weddell, Esq., both members of the local bar.

But while Mr. McAfee was prominent upon the stage and played many parts, the dominating business of his life was journalism. He was a born politician, keen, resourceful, unterrified, resilient always militant, and his newspaper was the medium by which he promoted the principles of a very stalwart Republicanism and lashed to fury the "hell-hounds" of the opposition.

Mr. McAfee was an Irishman born and bred, pure and unadulterated, and he possessed all the qualities of that versatile and dominating race. He had an intensity of enthusiasm that never failed to keep the rainbow in perspective; a pugnacity that would never decline a fight when it was imminent and that would hunt a fight if there were none in sight; a devotion to his party beliefs that could see nothing but patriotism, purity, the public welfare and unerring wisdom in the principles and practice of the Republican party. Upon the other hand he could see no redeeming quality either in motive or act in the Democratic party. That party was to him anathema, dangerous to the public welfare, the deluded victim of every political heresy, the enemy of the state, and to be defeated at all hazards.

The greater portion of Mr. McAfee's militant

political life was lived in Westmoreland county while it was under Democratic control. Year after year he sounded the Republican slogan as the county campaign waxed warm; he exercised his political strategy which was very considerable; he stumped the county and poured weekly broadsides into the Democrats through his paper, only to be compelled year after year to take the 'coon under cover and see the "Pennsylvania Argus" flaunt the Democratic rooster with its raucous cry deafening his ears the morning after the election. But these defeats were only temporary shadows cast athwart the spirit of his dreams. The next issue of his paper was full of explanations of the defeat and full of auguries of victory at the next election. The election returns were carefully analyzed to show that Republican principles had taken root in Democratic Bell township and had attained a more vigorous growth in Republican Fairfield township and elsewhere, and the Democratic majority was slowly slipping away. He lived long enough to see it entirely slip away and his party triumph at almost all the succeeding elections. If ever a party organ was the evangel of party principles and if ever a voice was potent to straighten the highway in a political wilderness (so regarded by him) for the oncoming march of his party, that voice was the voice of Mr. McAfee.

Partisanship has lost something of the keenness of its edge in the past 40 years. Men are less bound by the ties of party than they were in the days when Mr. McAfee wrought. The "Bloody Chasm," the "Bloody Shirt," "Fire Eater," "Radical" and the

like terms were in the common political parlance of the last generation. We never hear them now. The quality of the citizenship is not now judged by the party label except by him whom environment has kept ignorant or partisanship has made blind. It is not now possible for the party manager to harness the citizen and drive him with blinders. The citizen has not became cross-eyed, but wide-eyed when he can see equally exalted patriotism and good citizenship emerging from a corral different from his own. It may be hazarded that this political trend of thought and action will be accentuated by the large body of women who have lately made their advent into polities, who have less of tradition and former practice to bind them to a political fetich.

But in the days of Mr. McAfee political lines were tightly drawn and held. The man who split his ticket was a party traitor, and it became the duty of the editor who moulded party opinion to admonish the waverer and to flay the recalcitrant as well as to denounce the opposition. Mr. McAfee entered a political campaign as the knight entered the tournament in the days of chivalry. He buckled on his armor of defense and his sword and lance and battle axe for offense and with his lance in rest, and under the impulse of *Laissez Aller* he attacked the foe. The shock of battle gave him keen enjoyment. Our older readers will remember the frequent duels of words between him and Edward J. Keenan, Esq., editor of The Republican and Democrat, a Democratic newspaper in their editorials in the early 70's. So bitter and virulent were they that the uninitiated would have thought that they

were bitter personal enemies, and would enter into personal combat on meeting on the street. But, in actual fact they were personal friends and engaged in the war of words from keen delight in it, and the incidental party benefit to be derived. When they did meet on the street one or the other would lay a friendly hand on the other's shoulder and with a hearty laugh say, "Well, that time you put one over on me."

Mr. McAfee did not pretend to get into the activities of the law. He was associated with competent partners who attended to that branch of the joint relationship and left him free to manage the destiny of the newspaper.

In his personal relations with his neighbors Mr. McAfee was friendly and genial. He had little time to cultivate social life, and like all men of intense purpose he could not divest himself of the harness and relax readily.

With a career that had worked out his purpose in life, had gained him a reputation as a forceful writer, an effective moulder of public opinion and had rounded out a useful life, he died in Greensburg on the 29th, day of April, 1890, in his 69th year.

JOHN FRITCHMAN WENTLING

John F. Wentling was born in North Huntingdon township, Westmoreland county, Pa., on the 15th day of November, 1835, of German lineage. He was educated in the common schools and in Sewickley Academy. He read law with Judge James A. Logan and was admitted to the Bar at May Term, 1868.

Mr. Wentling was in the 33rd year of his age when he came to the Bar. He had spent the preceding years of his young manhood in various physical employments which developed that ruggedness of body and vigor of health which stood him in such good stead during a long and arduous professional life. Much of the time was spent as a teacher in the public schools. These occupations gave him that knowledge of men, their prejudices, idiosyncrasies, point of view, and that fund of anecdote with which he so effectively garnished his conversation and illustrated his arguments in court and his speeches on the hustings that so delighted and edified his auditors.

He, too, with others whose memoirs we have recorded, came to the Bar when the veterans of the old Bar were in the full splendor of their powers and achievements, and were clinging tenaciously and effectively to that profitable practice which they looked upon as partaking of sacrilege to invade, but which a new beginner both from necessity and inclination, was disposed to divide. Perhaps by division, certainly by addition he soon acquired a large and profitable practice which he held as long as his health and inclination permitted him to wear the armor and engage the foe.

Mr. Wentling was endowed with a good legal mind. He knew what the law ought to be. If it was so written in the books he found and applied it. If precedent did not serve, that was no argument in his mind against the correctness of his conception of the law, but an instance of those new questions constantly arising not hitherto adjudicated, which he was astute to demonstrate by reason and analogy. He prepared his cases with care, tried them with skill, called bluffs when they were made and was no unskilled bluffer himself if the struggle took that direction. In a word, he was a valiant fighter and played up to his foe in the battle of wits, and if he was ever surprised by an unforeseen contingency, he neatly turned the angle, however tight the squeeze, if the way was open, and only the closest observer could tell that he was surprised and had done a quick job of cooperage on his case.

In the examination of witnesses Mr. Wentling displayed considerable adroitness. He knew before trying his case what his witnesses could prove, and how to lead up to the main fact and stop before the witness proved too much. It is the very gall of bitterness to a lawyer to have his witness talk too much on the stand. He buries beyond resurrection the fact in his testimony that is material under an incubus of words; he makes admissible, under cross-examination testimony that imports issues into the case that were not raised by the party calling him; he enables the other side to develop his case without calling him as his own witness and being bound by his testimony, and if he does no other harm, he has frittered away the pro-

bative value of his evidence by concessions he makes and the doubt and uncertainty he leaves which a skillful adversary can conjure with to discredit him before the jury and bring confusion of face to the lawyer and party calling him. In the cross-examination of witnesses that were truthful but damaging to his case Mr. Wentling would dismiss them with a perfunctory question or two, as to where they lived and how old they were. If he suspected from the manner or the matter of their evidence that they were playing "ducks and drakes" with the facts he was savage and merciless, and either exposed their mendacity or made them ridiculous.

In the argument of a case to the jury Mr. Wentling had to be reckoned with as a dangerous antagonist. When the facts were with him he argued with a convincing logic, a wealth of homely illustration directed to the intelligence of the jury which he always challenged and selected with care and forethought, and with an earnestness and vigor that waked the echoes from the pit to dome of the Court House. If the facts were against him he did not argue them at great length, or flounder where they would submerge him, but rising on the wings of his imagination, he would take the jury for a flight out of the range of the danger signals that beset his case. Like painful experiences must have come to the aged lawyer who advised his student on his advent to the bar: "When you have no law, give the Court hot air; when your adversary outpoints you, abuse him; when you have no evidence, abuse the witnesses."

Among the mental resources of Mr. Wentling was a ready and incisive wit. It flashed out many times to relieve the tedium of the trial and bring exhilaration to the jaded faculties of the counsel, the court and the jury, and restore the *entente cordiale* when it was becoming ravelled by the friction of the trial. An instance of this readiness of wit occurred when he was arguing the leading case of Robb v. Carnegie, reported in 145 Pa. State report 324, in the Supreme Court. The case was an action for damages against Andrew Carnegie whose coke ovens at Larime had smoked and destroyed the fertility of a steep hillside owned by Mr. Robb. Wentling, counsel for Carnegie, in vivid language was describing the steepness of the hillside and its unfitness for cultivation. The Chief Justice interrupted to ask him, in view of the plaintiff's testimony that he had plowed and sowed it, "how he got the seed in the soil?" Quick as a flash Mr. Wentling replied: "He shoots it in with a shot gun."

On another occasion Mr. Cowan was prosecuting and Mr. Wentling was defending a man indicted for keeping a cross dog. As the defendant was ascending the witness stand he made a misstep and fell. Wentling leaned over to Cowan and whispered, "If my client falls again when he leaves the witness stand, I will lick you and win this case." As the defendant left the stand he blundered and fell again. Cowan, describing the outcome said: "That jury went out, turned around three times and came in with a verdict clearing Wentling's client."

Mr. Wentling had an inexhaustible fund of anecdotes which he had gathered up in his contact

with men. His manner of relating them was inimitable and exceedingly ludicrous. He never smiled when he came to the crux of the joke and by the sheer force of the humor of the anecdote, the suggestive and pointed language in which it was told and the gravity with which it was related it always went over big and convulsed his hearers with laughter.

In politics Mr. Wentling was always active but never an aspirant for office. No campaign of the Republican party was projected without calling him in to counsel in devising the strategic moves. He was in constant requisition for service on the stump. He was a stalwart of the stalwarts and had little sympathy with party reforms that were organized outside the pale of the party organization.

Mr. Wentling died on the 16th of July 1914, at his home in Greensburg in the 79th year of his age.

JOHN Y. WOODS, Esq.

John Young Woods was born at Greensburg on the 17th day of March, 1844, of Scotch-Irish parentage. He was educated at Washington & Jefferson College, from which he was graduated in June, 1866. He read law with his father, James F. Woods, Esq., and his uncle, Hon. Henry D. Foster, and was admitted to the Westmoreland bar at May Term, 1868.

Mr. Woods was the last of a race of lawyers whose combined practice in Westmoreland county covered a period of 115 years. His grandfather upon his mother's side, Hon. John Young, President Judge of the county for a period of more than 30 years, came to the bar in 1786. His father, James F. Woods, Esq., was in practice from 1840 until many years after his son came to the bar. With the exception of five years, therefore the family ministered at the altar of law continuously in the county from shortly after the organization of the county until Mr. Woods' death in 1905.

Tall and angular in figure, and saturnine rather than mercurial in facial expression, Mr. Woods was sober, serious and reflective; not given to noisy greeting in assemblies of men nor inviting familiar salutation, he was notwithstanding this apparent reserve, a most genial and entertaining companion and loyal and enduring in his friendships. Mr. Woods had high ideals in the administration of the law. It was to him a profession and not a trade, and therefore the volume and profits of its practice were not to be increased by solicitation, by the enterprise of the hired ballyhoo, by ambulance chasing, or other methods that degrade and

discredit a dignified profession, debase its morale and excite the contempt and malediction of high-minded men.

After a brief period of private practice Mr. Woods was elected District Attorney and served from 1872 to 1874 inclusive, after which he resumed general practice. In 1876 and again in 1880 he was a candidate for the office of State Senator but failed of nomination in each instance. He was an active Democratic politician, keenly interested in every party contest, and ever ready to heed the party call and proclaim its doctrines on the stump. In the Presidential campaign of 1896 he became disaffected with the party platform that declared for the free coinage of silver at the rate of 16 to 1. He regarded this as a distinct departure from the traditional policy of the party which had always stood for sound money, and a rank financial heresy promoted by doctrinaires who had captured the national convention and led the party astray. He accordingly joined the "gold wing" of the party and was active as a speaker in the campaign in Indiana and other states.

In the practice of the law, Mr. Woods was wedded to the old forms and methods. He believed that every action of assumpsit could be tried on a declaration with the common counts, without special pleading to let in the proofs of the particular case. This was a practice to which the older lawyers were habituated, by which, by common consent, they made the common counts a packhorse to bear to the court and jury every conceivable cause of action in assumpsit for trial on the merits. But there came into the practice a generation of practitioners who had no reverence for the

icons that tradition had set up. They were strict constructionists, martinets in pleading, and they insisted that the real cause of action be specifically set forth in the pleading instead of the common counts (if a change of metaphor be permissible) giving birth to the infant at the moment of trial. The consequent reformation in pleading was drastic, sometimes bitterly resented; the necessity of amendment was humiliating, expensive, but exceedingly salutary and more conducive to the administration of justice.

Mr. Woods was fond of reading and was a close student of history. As an occasional member of the law examining committee history was usually assigned to him. While thorough in his examination it was easy for the perplexed but ingenious student by asking a question to excite the enthusiasm of Mr. Woods who would go into an illuminating discussion that would reveal the answer the student was seeking. If Mr. Woods sensed the purpose of the question, his kindness of heart would condone the artifice of the student with whom he was always in sympathy.

Mr. Woods kept track of his college classmates, and was pleased to know of their success and the ferment that came to them in their vocations. At the 25th reunion of his class he was appointed the class poet and prepared and read a lengthy poem, dedicated to the class of 1868.

While coming from his home to his office along the Pennsylvania railroad he was struck and instantly killed by an approaching train on the 24th day of June, 1905, in the 62nd year of his age.

DAVID SHAW ATKINSON

David Shaw Atkinson was born in Mt. Pleasant in 1840, the son of Thomas Atkinson. He was educated in the Mt. Pleasant College and later read law with the late Judge James A. Hunter.

Mr. Atkinson commenced his life's activities as a school teacher, having taught in different sections of the county. He was of mature years when he came to the Bar, with considerable of struggle and life's experiences behind him.

Soon after his admission to the Bar, Mr. Atkinson became a member of the law firm of McAfee, Atkinson & Weddell. On Mr. Weddell's removal from the county the firm continued as McAfee & Atkinson. In 1880, John M. Peoples, Esq., was admitted and the firm became McAfee, Atkinson & Peoples. His next partner was W. C. Peoples, Esq. At the time of his death he was associated with John E. Kunkle, Esq., under the firm name of Atkinson & Kunkle.

Mr. Atkinson had qualities which from the beginning of his practice attracted to him a large clientage, and he was a very busy, hard working lawyer during the whole of his professional life. He had no specialty which drew him into a limited field, but he practiced in all the courts to which his clients' interest invited him. He was of robust frame, of orderly habits and of strong and steady nerves, and could endure the work and stress of the many long trials in which he was engaged seemingly with little drain upon his energies. No lawyer spent more hours in the office than did Mr. Atkinson, and it was his constant habit to work well

into the night, and thus he kept abreast of the large volume of business, one of the largest at the bar, which came to his office.

Mr. Atkinson was singularly fortunate in the greater part of his professional life in being associated with partners of studious habits, each of whom had a taste for the law as a science, and had the mental acumen to search out the law and apply it to the facts of the case in hand and brief the cases for trial. With his case thus charted Mr. Atkinson entered with zest into the examination and cross-examination of the witnesses, in which he had considerable skill, and the argument to the jury. He excelled in this part of the trial and his colleagues usually assigned this task to him. He had a genial and kindly presence, an aspect of sincerity, a faculty of homely illustration, a freedom of utterance and a vigor and earnestness of address which carried great weight with the jury. His wide acquaintance with jurors and his knowledge of their environment, their temperament and their habits of thought was of great service to him in adapting his argument to their favor. The consequence was that he was a dangerous antagonist once he got past the stages of compulsory non-suit and binding instructions, and the case went to the jury to find the facts.

Mr. Atkinson measured swords with the ablest men of this and other bars in some of the most important cases tried during the more than 40 years of his practice. While the renown of his antagonists was granted and had to be reckoned with, their invincibility was challenged until every issue had been debated and decided. If adversely, and, he thought, wrongly de-

cided, he went to the court of last resort, and if he lost, he accepted the decision, not because of his conviction that the appellate court was right but because that court had the last guess. In this attitude there always have been and always will be many lawyers to join him as a distinguished company of malcontents.

Nature had so mixed the elements in Mr. Atkinson that he got along well with his professional brethren as well as others, even when his utmost efforts were enlisted to defeat them. He had few if any implacable enemies. He was not vindictive. He did not pursue the quarry for the purpose of wreaking vengeance. He did not, of course, like all persons equally well. He disliked some very heartily. But his disposition was to believe that most persons were good, rather than that all or a majority were bad, wearing under their disguise the horns and tail attributed to the Prince of Evil.

Mr. Atkinson was a successful business man in respect to the accumulation of wealth. He had some side lines in which he conservatively and profitably invested money, such as banking, farm lands and the purchase of town property. His judgment was seldom at fault in the value of real estate and a very considerable part of his fortune was in the increased value of real estate which he had purchased and long held until it gradually appreciated in value. But he did not always carry "Aladdin's Lamp" in seeking investments and some of them turned out to be losses—the only evidence of the investment being the gaudy certificates of stock which business men call their "Cats and Dogs" and bury in their bank vaults as mementoes of

their fatuous judgment which yielded to the rainbow pictures painted by the voluble fakir who took them over.

The tourist, coming to London, loses a great opportunity if he does not visit the magnificent St. Paul's Cathedral. Beneath the choir loft is buried the body of Sir Christopher Wren, the architect of the cathedral. Inscribed across it are the words: "Here lies the body of Sir Christopher Wren," and then a dash, as if the visitor was looking around for his monument. The inscription then proceeds: "If you seek his monument, look around you."

If that great cathedral is a fitting monument to the architect, it can be said that Mr. Atkinson left a fitting monument to himself when he devoted almost his entire fortune to the establishment of the magnificent building of the Young Men's Christian association, fronting on Maple avenue, Greensburg.

He died childless. He was deeply interested in the welfare of young men. He lived in an environment set with snares to trap the feet of the unwary. He had successfully combated the temptations to a life of ease, self-indulgence, low ideals, of blindness to a destiny that beckoned to youth as worth while in itself and he called forth those powers of body, mind and soul, the exercise of which subjectively build to the full stature of manhood, and objectively lifted the plane of human society. In his prosecution and defense of criminals he had analyzed the forces that make shipwreck of human life and cumber the ocean of life with human derelicts. In the later years of his life, therefore, his mind was engrossed with such a dedication of his

wealth as would make it minister to the lasting welfare of his community. His purpose took its final form in his last will and testament in which he constructed a well matured plan entrusting his estate to trustees to build and equip and partially endow the present Young Men's Christian association plant, worth materially \$200,000, but morally and spiritually an asset that can only be valued in the terms of human souls salvaged thereby, it may well be from the destructive forces inherent in human society.

Mr. Atkinson died at his home in Greensburg on the 7th day of April, 1910.

SILAS McCORMICK, Esq.

Silas McCormick was born in North Huntingdon township in 1830, of Huguenot and Scotch-Irish antecedents. He was educated at Jefferson College, from which he was graduated in June, 1858. He read law with Judge James A. Logan and was admitted to the Westmoreland bar at May Term, 1868.

The subject of this sketch was one of thirteen children of John McCormick, whose father, John McCormick, had emigrated from County Tyrone, Ireland, and settled on a farm which is now the site of Larimer Station. The sons of John McCormick were men of large mould, strong character and of decided mental vigor. James I. was a man of ripe scholarship. He served as the first superintendent of schools of Westmoreland county and became one of the foremost physicians and surgeons in the county. His son, Samuel B. McCormick, served many years as the Chancellor of the University of Pittsburg, and more than any other contributed to its present greatness as an educational institution. Harry H. McCormick, another son, was a distinguished lawyer of the Allegheny county bar, serving six years as Federal District Attorney, and was speaker of the Pennsylvania House of Representatives in 1874. Other scions of this French-Irish stock have entered and gained distinction in the ministerial, medical and legal professions.

The impulse toward the learned professions in this family are not far to seek. John McCormick, the progenitor, was a man who valued education more than he did worldly wealth, and he stocked his home with

books which became at once the inspiration and the means to the education of his children.

After his graduation from college Mr. McCormick taught school for several years. He was near middle life at his accession to the bar. Whatever advantage accrues from fixed habits, final selection of the course and definiteness of goal Mr. McCormick possessed when he began to practice. Two of his colleagues, admitted with him, immediately entered the lists as trial lawyers. He chose to deliver the oracles of the law as the counsellor in the office rather than to enter the forum as an advocate, and he pursued this line of practice during the whole of his 45 years of professional life.

Birth, education, professional training, notable achievements, duration of life and the event of death are sometimes the only items used in casting the sum of a human life, but they by no means make an accurate summary. It may be granted that they are the mountain peaks, the relief features of the map of life, but the eye shifts from these to the lower levels of hill and valley and plain, and finds its delight in the flowers and fruit there borne, and we make up an estimate of a life as it is lived in the plane of its every day activity. It is the common, everyday manifestations of life that furnish the basis of a judgment of its quality.

It is in this way that an estimate of the quality of Mr. McCormick's life is to be made. He made no claim to greatness as a lawyer. He pointed to no personal achievement that lifted him above his fellows. He was singularly modest and diffident, so much so, indeed, that he passed by opportunities to step into the spot-

light where he might display his learning and ability and invited others to focus attention and reap the honors which fairly might have been bestowed upon him. For he had a vigor of intellect, a clearness of understanding, a strength of conviction and a readiness of perception, joined to a knowledge of the law—for he was well grounded in its principles, that would have sustained him in the forefront of the conflicts of his profession.

In his relations with the bench and his brethren of the bar he was ethical, courteous and companionable. His moral standards never shifted. What to him was not right or fair or just, was never expedient. His courtesy was the expression of his estimate of the dignity of true manhood and womanhood. He was a good friend and companion. Among his best friends were the younger members of the bar. These he attracted because he had none of that austerity, or assumption of wisdom or atmosphere of exclusiveness that repels.

In his relations to his clients Mr. McCormick had the happy faculty of attracting and holding them and possessing their confidence. He was painstaking, diligent, faithful and honest. His word was always a sufficient guaranty to his professional brethren; it was equally so to his clients. His integrity was not the veneer that policy may stamp upon the individual, but it was inherent.

“A prince can mak ’a belted knight,
A marquis, duke and a’ that;
But an honest man’s aboun his might,
Guid faith he mauna fa’ that.”

Mr. McCormick was quick to see and remark the humor of a situation. Such were his relations with his clients and neighbors and the ease of approach to him that convention and formality were laid aside when they came to him, and their attitude was self-revealing. Any idiosyncrasies they had were displayed and he derived a lot of amusement from them. These anecdotes, which were harmless but diverting, he delighted to narrate to his friends with that dry humor and homely philosophic comment that displayed at once his appreciation of the ludicrous and his knowledge of human nature.

Mr. McCormick was a Republican in politics, but was not obtrusive in the assertion of his beliefs. He was United Presbyterian in faith. At the age of 84 years Mr. McCormick died at his home in Irwin, Pa., on the 14th day of February, 1914.

GEORGE DALLAS ALBERT, Esq.

George Dallas Albert, Esq., was born in 1846 at Youngstown, Pa., of German and Scotch parentage. He was educated in the common schools. He read law with Henry C. Marchand, Esq., and was admitted to the Westmoreland Bar at February term, 1869.

It is interesting to study the forces that operated in the makeup of Mr. Albert's life. He was born with a feeble body that prevented him for several years after his admission to the bar from pursuing the practice of law. Delicate health attended him all of his life. The exuberant spirit of youth that finds its outlet in sports and games that call for a robust body, is the resort and indulgence of many whose play-day finally merges into and qualifies for the work period of life. Mr. Albert's springs of life had to seek gentler channels, less precipitate slopes until it reached the plane where the current of life may sweep on, unimpeded to its terminal.

That Mr. Albert had vision that could focus to a goal and perceive an adequate though distant reward; that he had native ability commensurate with his purpose; ambition adequate in its impulse, and a patience that dealt with obstacles as impediments to be surmounted, side-stepped or removed, is manifest when we regard the attainments of his short life of 52 years. He did not have the advantage of a classical education, and yet he was a scholar. He was not stimulated to emulation by rivalry for college honors, and yet he had the attainments of a college-bred man. He did not have the advantage of extensive travel to give him vis-

ual demonstration of the social life, institutions, arts and sciences of other civilizations, and yet he had an intelligent comprehension of what they could teach. The explanation of the seeming paradox is simple: His University was the University of books.

The leisure which is imposed by a delicate constitution is not an unmixed evil. It is not even a handicap to a person of studious habits, thirsting soul and acquisitive mind. To such it is opportunity that will seek and find the means of gratification. With like qualities of intellect and will the same avenues are open to the individual whose circumstances deprive them of the opportunity of classical or scientific education. When Napoleon Bonaparte was taunted by a rival with the remark, "You are the creature of fortuitous circumstances," he replied, "Yes, but I made the circumstances." The application is obvious to any one endowed with a mind, who will strive.

Mr. Albert did not engage in the active practice of his profession until 1880. His home was in Latrobe, and he commuted every day to the county seat. He had a quiet, intimate patronage made up of very substantial, well-to-do people. He was a good counsellor and had great success in removing difficulties and smoothing the way to the amicable adjustment of disputes. If a client had a beam in his own eye and was intolerant of the mote that was in his adversary's eye, Mr. Albert's most helpful ministry to his client was to clear the client's vision of the beam, and then have him look with clarified vision at the mote in the other's eye. The process usually avoided a law suit. It is not to be inferred that the beam was always in the eye of Mr. Al-

bert's client, but the point is, he always went after the beam, wherever located, and its eradication usually ended the controversy.

The contentious jurisdiction of the courts had no charm for Mr. Albert. He was diffident, modest and lacking in self-assertion. He had not the physical strength to endure the strain of a long trial. He could well define the issues in pleading, he knew the law, he acquainted himself with the facts, but if the issues had to be tried he called in a colleague to receive and answer the broadsides. Covering the whole period of his professional life he was in office association with some of his legal brethren: James G. Francis, Esq., until his death, William H. Young, Esq., until his death, and the present writer until 1898, when Mr. Albert died.

In politics Mr. Albert was a Democrat. He came of a family that were decided in their political beliefs and active and influential in the party councils. His single incursion into politics was as a candidate for the lower House of the Legislature, but he was not successful.

Mr. Albert's domestic life was happy. His wife, whom he married in his mature years, was a lady of refined tastes, active in religion and philanthropy, of very respectable literary ability, a graceful writer and a frequent contributor to the Pittsburg newspapers. Doubtless she collaborated with him in his extensive literary pursuits. Certain it is that her literary taste and criticism as well as the exhaustive historical research essential to the preparation of the second volume of the "Frontier Forts of Pennsylva-

nia," were helpful to Mr. Albert in that valuable historical work from his pen.

But the most lasting contribution made by Mr. Albert to posterity was the product of his literary ability. For many years prior to its preparation and publication, Mr. Albert had been gathering the materials for a history of Westmoreland county. No such history had previously appeared. The county was rich in historical events, places where they occurred, and the persons who participated. Westmoreland was mother to many of the western counties of the state. Its history had an importance far beyond its present bounds. It was the labor of Mr. Albert to gather from the State Archives, the Colonial Archives of Virginia, as well as to unearth letters and documents and gather up and verify from persons then living the history of the persons concerned and the events that occurred from the settlement of the county and weld them into a connected history of the county. This he did in the "History of Westmoreland County," published in 1882. The work in its wealth of historical incidents is an invaluable contribution to the history of Western Pennsylvania. It was a work of rescue and perpetuation of the contents of the documents and personal recollections transmitted through the generations that in this day would have been buried in oblivion but for his painstaking research. John N. Boucher, Esq., in his later History of Westmoreland county, has paid this just tribute to Mr. Albert: "He has done more to unearth and perpetuate the history of Western Pennsylvania and particularly

of Westmoreland county than any other man living or dead."

In addition to the above mentioned history, under appointment of Gov. Robert E. Pattison, he was a member of the State Commission authorized by the Legislature to make inquiry and examination as to the number and location of the frontier forts of Pennsylvania and the propriety of erecting tablets to mark the forts, and do such things as they may deem best to carry out the act. This work was done by the commission and to Mr. Albert was assigned the forts of Western Pennsylvania. He prepared and the state published the second volume of the "Frontier Forts of Pennsylvania," a well written history of 636 pages, issued in 1895. This work of himself and colleagues gave impetus to the purpose to permanently mark the site of the forts, the latest manifestation of which is the present project to erect a monument on the site of the "Flour Sack" entrenchment on the battle field of Bushy Run, in Penn township.

The literary quality of Mr. Albert's writing is excellent. The style is chaste and adorned with the grace and beauty that manifests a superior mind. Mr. Albert died on the 13th day of October, 1898, the victim of a malady that saddened his days as it hastened their end.

JUDGE JAMES A. HUNTER

James Alexander Hunter was born in Lancaster County, Pa., on the 18th day of April, 1835, of Scotch-Irish parentage. He removed to Westmoreland County in 1841. He was educated in the common schools. He read law with James Todd, Esq., in Greensburg, Pa., and was admitted to the Westmoreland bar at August Term, 1858.

Judge Hunter's early activities were in the common schools as a teacher, and, while thus engaged, he read law and came to the bar. Very little of his period of practice was spent without an office mate. His first partner was Col. J. W. Greenawalt, who died as the result of a wound received in the battle of the Wilderness while in command of the 105th regiment of Pennsylvania Volunteers. His next partner was Hon. James R. McAfee, who was soon lured away into the field of journalism. Jacob Beaumont, Esq., became his next co-partner and this association continued until the death of Beaumont in 1870, when W. H. Klingensmith, Esq., entered and this partnership continued until Judge Hunter's accession to the bench in 1879.

From the time Judge Hunter displayed his capabilities he was in possession of a large and profitable clientage. He was a diligent student of the law and a capable trial lawyer. He had an easy, unlabored flow of language and had a fondness for public address. He was in frequent demand as an orator, not only at social and church gatherings and in the frequent public meetings that were incident to the vicis-

situdes of the Civil War, but as a champion of the principles of the Republican party in its political campaigns. The war and reconstruction periods engendered a vast amount of animosity and political strife was waged with much bitterness. Neighbors looked askance at each other, were quick to impute disloyalty and to proclaim that all of patriotism was in the one political camp, and all the bad citizenship in the other. At the distance of sixty years after the Rebellion when party passions have cooled and the impartial student of 150 years of our national history has no difficulty in ascribing a patriotic purpose to the policies of the dominant parties of the past, it is difficult for him to translate himself to the war-time period and understand why the fires of hate, fanned though they were by demagogues, burned so fiercely in every community in the land. In these political discussions Judge Hunter was noted for his fairness and charitable attitude, and, while the impact of his blows was severe, he was never charged with hitting under the belt.

In June, 1879, the judicial office became vacant by the resignation of Judge James A. Logan to become Assistant Solicitor of the Pennsylvania Railroad Company, Governor Hoyt appointed Judge Hunter to the vacancy. He was nominated by the Republican party for the succeeding term of 10 years. Archibald A. Stewart, Esq., was nominated by the Democrats. There had been an active contest for the Democratic nomination. The district being heavily Democratic, the nomination was regarded as equivalent to election. The three candidates for the nomination against Mr.

Stewart were all able and experienced lawyers. Stewart, however, won the nomination, but it was a costly victory. A great many leading Democrats were apprehensive that Stewart did not possess the judicial temperament. There was some religious prejudice imported into the contest. Stewart and his supporters were not tactful in seeking to allay the animosities that had raged in the campaign for the nomination, but relied on the tie of party allegiance to hold the recalcitrants to the nominee. Judge Hunter had filled the office with general satisfaction, and had behind him a united party. He reversed the normal Democratic majority and was elected by over one thousand majority.

Judge Hunter crossed the goal line of a lawyer's ambition in the prime of life and at the maturity of his powers. His letters of credit were from both political parties, and the badge of confidence was highly appreciated by him. He administered his high office without partisan bias. He was courteous, capable, fair and dignified in the discharge of his duties. When he came to the bench the district had a population of a little less than eighty thousand. It had increased by the close of his term to over one hundred and thirteen (113,000) thousand. His term witnessed the great development of the coal, coke, natural gas, manufacturing and transportation industries of the county. Being the only judge in the district which now has three judges of the courts of common pleas and the sessions and a judge of the orphans' court, with a population that has trebled, it becomes apparent that his duties were varied and arduous. The present day practi-

titioner who usually gets out of the trial court on Thursdays will appreciate the strain which was upon the judge and the older members of the bar when it is related that they began the trial of cases on Monday morning and ended on Saturday evening of the weeks of court.

When the Bankruptcy Act of 1867 was passed Judge Hunter was appointed the District Register. He resigned this office and was elected to the Pennsylvania House of Representatives for the session of 1869. He refused to be a candidate for re-election in order to devote his entire time to the practice of the law. He was a man of kind heart and of social habit. It delighted him to see the junior members of the bar, all of whom were on terms of friendship with him, win their spurs. He was a loyal churchman, a member of the Methodist Episcopal church. Never of very vigorous frame he was attacked with pneumonia and after brief illness he died at his home in Greensburg on the 13th day of June, 1893.

JAMES G. FRANCIS, Esq.

James G. Francis was born at Reagantown, South Huntingdon Township, on the 5th day of April, 1844, of Scotch-Irish parentage. He was educated in the common schools. He read law with Hon. Jacob Turney and was admitted to the Westmoreland bar at February Term, 1872.

In his young manhood, Mr. Francis taught in the public schools of the southern part of the county. East Huntingdon township on which his home bordered in the 70's was renowned as the wealthiest and most progressive country school district in the county. It had upon its school board men of broad vision, liberal spirit and unflinching courage. They did not hesitate to impose taxation that enabled them to pay the best township wages in the county to teachers. This attracted and held the most experienced teachers, who were sure of their succession. There came thus to be a rivalry between the sub-districts in the township as to which had the most progressive school and the teachers in the county looked with longing eyes to an election to an East Huntingdon township school as a distinct professional promotion. Among the teachers who brought fame to the township were, James Sillaman and J. R. Spiegel, both of whom became county superintendent of schools. James Fleming, John H. Bryan, J. D. Cope, Geo. M. Bigam, Byron W. King, I. P. McCurdy, James McCreary, Z. X. Snyder and Miss Elma Ruff. Schools pervaded with such a spirit of emulation become the nursing mothers of ambitious

youth. They generate an atmosphere that reveals the star to which one aspiring youth hastens to hitch his wagon; to another the promise of the rainbow to which his eager spirit shapes his course; to another the lofty mountain whose successful ascent will enable him to discover and pre-empt for his own earth's choicest treasure. It was in such an educational environment that Mr. Francis was reared. It had other products of kindred spirit. Irwin W. Tarr and J. R. Spiegel, both to become his professional brethren, were his near neighbors and compeers.

Mr. Francis was tall and spare, but of handsome and imposing presence. It is but ascribing to him the attribute common to all capable and courteous men to say that he won universal respect. It is ascribing to him his own peculiar attribute to say that he won the affection of all who knew him well. It was not the outward semblance of the man, attractive though it was, that made him winsome. It was the kindly soul of the man that imputed no evil, that harbored no malice, that cherished no resentment; it was the humble soul that chambered no egotism to offend, that asserted no rivalry to repel; it was the generous soul, that would rather give than take, and in taking took only what was just; it was the highly sensitive soul that sensed the wound intentionally inflicted, and nursed it with forgiving spirit. These were the attributes of Mr. Francis that compelled the tribute of affection from his fellows: that enabled them to testify that,

“His life was gentle; the elements were so mixed in him that nature might stand up and say to all the world: ‘This was a man.’”

By reason of his engaging qualities, his wide acquaintance and his diligence to serve them while in vigorous health, clients came to him in large numbers and he had a varied and lucrative practice. He could talk readily, but he was not eager in seeking occasions for wordy strife. It pleased him better if his client was disposed to heed the scriptural injunction. "Agree with thine adversary whilst thou art in the way with him," than to go into a trial, the course of which might be way-marked by perjury, certainly would be with animosity, might or might not eventuate in justice, but assuredly would cause heart burnings.

Mr. Francis was keenly conscious that the law and justice were not convertible terms, however well the one was designed to promote the other. He realized, as does every lawyer who is not blinded by partisanship that justice sometimes miscarries and results in abortion, and that the law works hardships that are inequitable. In discussing with a colleague the infirmity of the law to promote exact justice in all cases, he remarked that the practice of the law would be repellant to him if its administration in Pennsylvania had not so extensively and beneficently incorporated equitable principles into the common law procedure.

The writer of this memoir remembers how the modesty and diffidence of Mr. Francis impressed his boyish mind on the occasion of Mr. Francis' appearance, perhaps his first appearance, before a country justice of the peace to try a law suit. Which was frightened the worse, the country squire or the young neophyte of the law was difficult to determine. Neither

the magistrate nor the lawyer were anxious to exhibit their goods, and come to a show down of their legal learning. The magistrate solved the problem by suggesting a basis of compromise to the litigants. The young lawyer eagerly advised his client that the compromise was just and that the squire was a "Daniel come to judgment." The compromise was accepted, the tension was relieved, the parties were reconciled and the lawyer and the magistrate became lifelong friends.

Mr. Francis was Democratic in politics and Presbyterian in faith. He was unmarried. In the last year of his life his health began to fail, and, although not regarded as dangerously ill, he died suddenly on the 8th day of September, 1880, in the 37th year of his age, and the ninth of his practice, as sincerely mourned and as greatly missed by his brethren of the bar as any one of their number who had fallen out of the ranks.

HON. WELTY McCULLOGH

Hon. Welty McCulloch was born in Greensburg, Westmoreland County, Pa., on the 10th day of October, 1847, of Scotch-Irish and German-Swiss ancestry. He was educated at Princeton College, from which he was graduated in 1870. He read law with his father-in-law, W. H. H. Markle, Esq., and was admitted to the Westmoreland Bar at May Term, 1872.

It is the fortune of many, perhaps a majority of individuals born into the world to be hedged about with limitations—limitations of fortune, of social standing, of field of activity, of opportunity. Some are born in an environment which tends to blunt the moral sense; some to conditions in life, the relationships of which weight them with obligations to others. These external forces, apparently adverse, actual in their existence, inevitably to be dealt with, are the real tests of the metal of the individual so affected. If it is but common clay the operation of these external forces will reduce it to dust; if it be iron it will produce a temper, a ductility, a purity and a degree of strength that will bulk large in the efficiency which a progressive civilization demands. Upon the other hand the individual who is born, so to speak, on the knees of the gods, with fortune, social standing, opportunity, good moral environment, has indeed received hostages from fortune that give him advantages in the race of life if he so deals with them. The quality of the individual will determine their reaction. If he has vision, purpose, objective, they will be eagerly laid hold of as accessories in smoothing the path

to destiny. If he has no other aim than pleasurable existence, ease, self indulgence, they will but minister the means to increase the quantity of the flotsam and jetsam on the sea of human life.

Mr. McCullogh was born to a heritage of much that made life worth living. He had a strong and vigorous body, a handsome presence and a good mind. His home was a home of opulence and comfort with moral and religious atmosphere. His social anchorage was in the oldest and best stock of the community. His educational advantages were unsurpassed. These favors of fortune he did not prostitute to a life of inactivity and self indulgence, but he used them to qualify himself to bear the obligations of life and attain distinction in an honorable profession.

Mr. McCullogh on his admission to the bar entered into partnership with W. H. H. Markle, Esq., under the firm name of Markle & McCullogh, which continued until the death of Mr. Markle on the 18th December, 1883. Early in his practice Mr. McCullogh became solicitor for the Baltimore & Ohio Railroad company and for larger corporation coal and coke interests which centered at Pittsburgh, and he accordingly opened offices in that city and spent almost all his time there, living, however, in Greensburg. The coal and coke industries were each in its infancy in the middle 70's and saw their greatest development during that and the succeeding decade. As pioneer industries they suffered their growing pains during this period of development, and Mr. McCullogh's

energies were absorbed in the assertion and defense of their rights in the courts and elsewhere. This necessitated the acquirement of that extensive knowledge of corporation law which he possessed and which made him a specialist in corporation practice. The consequence of his daily attendance in Pittsburgh was that he was professionally better known to the Pittsburgh Bar than to the younger members of the local bar.

In his argumentation Mr. McCulloch was not verbose but precise; not discursive but centered; not doubting but dogmatic in his statement of principles, as corporation lawyers have a tendency to become. Whether, therefore, he was right or wrong his position was always understandable.

In 1886 Mr. McCulloch made his advent into politics. He was a staunch Republican but hitherto had not taken an active part in party management. The Westmoreland-Fayette-Greene Congressional district was strongly Democratic. Gov. Latta was the Democratic nominee of Westmoreland county. Fayette and Greene each had a candidate. The conferees after protracted and repeated conferences failed to agree upon a district nominee. It was finally agreed on behalf of the three candidates to submit the matter to the Democratic State Executive committee for solution. That committee assembled and was unable to determine as between the candidates, all of whom refused to withdraw. The committee finally selected Gilbert T. Rafferty a coke magnate residing in Allegheny County to represent a congressional district in which he had no residence. The party in all three counties refused to unite in support of this nomination which it regarded

as instituting carpet-bag government for the district. Its attitude was indicated by the language of revolt of the Ten Tribes: "We have no inheritance in the son of Jesse; To your tents, O Israel!" The final outcome of the party strife resulted in the selection of Dr. H. G. Donnelly as the district's party choice. Mr. McCulloch was nominated by the Republicans. Rafferty received comparatively few votes in the district, the vast majority of the Democrats supporting Mr. Donnelly. In the succeeding election Mr. McCulloch was successful, outrunning Dr. Donnelly by a small majority. Mr. McCulloch served the two-year term with advantage to his constituents and credit to himself.

Mr. McCulloch had a genial, companionable disposition. This was more apparent to old friends than to strangers as he was undemonstrative and reserved in manner. When the reserve was penetrated and terms of intimacy established he was a good friend and delightful companion.

Soon after the expiration of his term in Congress he was stricken down with a fatal illness and died at his home, in the prime of life and full possession of his powers on the 31st day of August, 1889.

JOSEPH J. JOHNSTON, Esq.

Joseph J. Johnston was born in Unity Township, on the 12th day of July, 1838, of Scotch-Irish ancestry. He was educated in the common schools and in Sewickley Academy. He read law with Edward J. Keenan, Esq., finishing his studies with James S. Moorhead, Esq., and was admitted to the bar at February Term, 1873.

Mr. Johnston began to teach in the common schools at the age of 17 years and taught continuously for six years. In 1859 and 1860 he taught in the Sewickley Academy. For many years the Sewickley Academy stood on a bluff overlooking the mining village of Trauger, in the heart of the Pleasant Unity Valley, and this ancient landmark of education has been but recently torn down. It, like Laird Institute, Greensburg, Elder's Ridge and Salem Academies was founded to furnish the classical and scientific education which the numerous High Schools of the county now furnish at public expense. Like Greensburg and Salem academies, it was the alma mater of a number of the members of this bar, Latta, Wentling, Johnston and others. These old academies, established by private benefaction, sustained by slender income from tuition and the self-denying contributions of the respective communities fulfilled a mission that was so fundamental, so constructive and so helpful in the training of men and women for professional and business life that their importance cannot now be adequately appraised. They have no present herald but tradition. They deserve a historian who will give them fitting place in the educational hall of fame.

Mr. Johnston began his work as a teacher about the time the foundations of the common school system were laid broad and deep by the common school act of 1854. His development as a teacher was contemporaneous with the development of the system. He belonged to that great race of teachers who wrought in the common schools from 1850 to 1880. In teaching ability, in educational ideals, in methods of instruction and in the results of their instruction as manifested in the attainments of pupils who acquired the essentials of a common school education, not superficially, but with thoroughness, they have never been surpassed. As moulders of the characters of their pupils along the lines of morality, patriotism and equipment for the duties and burdens of life, they are not rivalled by the modern pedagogue.

With such a long and honorable career as a teacher it was natural that Mr. Johnson should be chosen as a school director of the schools of Greensburg. He served continuously in that position for almost 30 years, and for many years he served on the board of trustees of the Morrison Underwood Donation Fund, a philanthropy intimately associated with the public schools. To these boards he brought a measure of intelligence and devotion which has never been surpassed by any of his distinguished colleagues. He kept abreast of modern thought and effort for the advancement of education. Even in the busiest days of his professional activities he found time to study social, economic and phychological problems as they were related to public education. He had perhaps a larger and more intimate acquaintance with the students of

our public schools during the 30 years of his association therewith than was acquired by any other individual.

On his admission to the bar Mr. Johnston became associated with James S. Moorehead, Esq., as Johnston & Moorhead, in the practice of the law. The firm had a growing business and tried many important cases. Mr. Johnston was not a trial lawyer, that part of the work being done by Mr. Moorhead, who had a predilection for and unusual ability and success in the trial of cases. But Mr. Johnston was a good counsellor and a capable and all-round lawyer. This firm continued in association until April, 1882, when Mr. Moorhead became associated with John B. Head, Esq., and continued until Judge Head's accession to the Superior Court bench. Mr. Johnston continued to practice alone from 1882 to 1903, the time of his death, his practice being extensive in the Orphans' Court.

Mr. Johnson was scholarly and reflective in his mental makeup and his views upon the many subjects to which his mental activities were directed were the luminous product of profound and intelligent study. Knotty questions of whatever kind he became interested in, had a delight for him that spurred him to their solution even in the moments devoted by other men to rest and relaxation.

Mr. Johnston was a man of kindly and generous impulses. No more forcible illustration of this can be found than the universal regard and affection in which he was held by the children of the schools. They all knew him and loved him. There was no coldness of exterior or reserve of manner through which they

must break to reach his interest and sympathy. He wore the inward graces of his nature upon the surface, where the children could see, appreciate and appropriate them.

He was a genial companion. In moments of relaxation it was his delight to meet his friends in social converse. He was a brilliant raconteur. His mind was stored with quaint illustrations, drawn from the simplest circumstances of life. Endowed with a keen sense of humor he could illustrate a point by the relation of a humorous anecdote that would anchor the point in memory while it would convulse the hearer. While his perception of the incongruous that begets humor was keen, he could quickly perceive the congruity of things apparently incongruous and express it in a way that displayed him.

“As a wit, if not the first, in the very first line.”

Mr. Johnston continued active in professional and civic life until the 22nd day of October, 1904, when he died in his home at Greensburg after brief illness, in the 66th year of his life.

W. H. KLINGENSMITH, Esq.

W. H. Klingensmith was born at West Newton, Pa., on the 26th day of November, 1846, of German parentage. He was educated at Mount Pleasant College. He read law with Hunter and Beaumont, and was admitted to the Westmoreland bar at November Term, 1870.

But few men surmounted greater difficulties to enter professional life than did Mr. Klingensmith. His father died when he was but ten years of age and he was thrown upon the world a homeless boy, dependent upon his own resources. He first engaged as a farm hand with Captain Robert Warden near Mt. Pleasant. When his employer enlisted in the Rebellion he went to Altoona and learned the saddlery trade. He taught in the country schools, and did farm chores while obtaining his collegiate training. He enlisted in the war of the Rebellion in Company A in the 20th Penna. Cavalry. He was captured and immured in the Rebel prison at Andersonville, Ga., for a period of nine months. After his release he was honorably discharged and entered upon the study of law. Truly he had seen much of the seamy side of life and come in touch with its tragedies by the time he had attained to manhood.

On his admission to the bar Mr. Klingensmith entered into partnership with Judge Hunter, his preceptor, and continued to be so associated until Judge Hunter's accession to the Bench in 1879. The firm had a large, varied and profitable practice. Few men excelled Mr. Klingensmith in knowledge of the practice, and

few hewed to the line of the rules of court, taking the advantages they gave in procuring summary judgments, as he did. He had the reputation of being a good collector and had a large volume of collection business. He was a careful, skilful and hard working trial lawyer, and the firm was frequently engaged in the Supreme Court. Mr. Klingensmith had few diversions, except his home life, and could always be found in his office at unremitting labor. In fact, with a not over robust constitution, his devotion to hard work shortened his life.

Mr. Klingensmith's ancestry was of strong and sturdy character. His grandfather, John Klingensmith, was one of the early High Sheriffs of the county. He defeated Hon. Richard Coulter, afterwards Justice of the Supreme Court of Pennsylvania, for Congress, and served one term. He was an adroit politician, of limited education, but with a strong following of German constituents, and won over Judge Coulter, whose political aberrations alienated from him the friends of President Andrew Jackson, whose policy of opposing the recharter of the United States Bank Judge Coulter refused to support in the Lower House of Congress.

Mr. Klingensmith had the faculty of attaching his clients to himself with unbreakable bonds. We do not recall that he ever lost a client by defection from any cause. He had strong friendships and also implacable enmities, both at the bar and in his business contacts with others. His early struggles to attain his place in professional life had imparted to a naturally strong will the quality of iron that rendered him in-

flexible in pursuit of his purposes. He was, therefore, not much given to compromise, unless the terms were largely of his own making, and the fruits of the compromise partook of victory for his client.

In religion, Mr. Klingensmith was Methodist Episcopal, in politics he was Republican. Although never a seeker after office he took a keen interest in party welfare. With a constitution impaired by the privations of his long imprisonment in the war and worn out by the labors he imposed upon himself his health gave way and he died at his home in Greensburg on the 29th July, 1892, in the 46th year of his age and the 22nd year of his practice.

JOHN M. PEOPLES, Esq.

John M. Peoples was born in Fairfield Township in 1849 of Scotch-Irish ancestry. He was educated at Wooster College, Ohio, from which he was graduated in June, 1875. He studied law in the Albany School of Law from which he was graduated in 1877. After pursuing his studies further with D. S. Atkinson, Esq., he was admitted to the Westmoreland Bar at August Term, 1878.

Mr. Peoples was the first of the considerable number of lawyers of the local bar who own the Ligonier Valley as their native heath. Judge John Graham, a native son, had indeed, come to the bar and arose to distinction on the bench, but he had staged his activities and attained his distinction in the faraway city of Denver, Colorado. The sons of the valley, seventeen of them from the immediate vicinity have entered the Gospel ministry. Many had entered into politics, serving in the State Senate and House, and in the county offices. Hon. John Covode had brought honor to the valley by his long and distinguished service in Congress. That immediate vicinity had furnished birthplace and childhood home to Major John Hendricks, father of the distinguished statesman, Hon. Thomas A. Hendricks, a Vice President of the United States.

Fairfield, the mother of townships, gave her mountain sides, her hills and valleys to the early habitation of the Scotch-Irish pioneers who challenged and drove out the Indian aborigines. The settlers contributed much of their blood to mingle with the blood of other communities. They have received but little

infusion of alien blood among themselves. The population is yet predominantly Scotch-Irish. The names inscribed upon the tombstones find their counterparts upon the adjoining farms. The history and traditions of the community are but the annals of the present families. The present habits and customs retain the impress of ancestry. These attributes of the community invite remark and pardon digression because Fairfield and its neighboring townships in Ligonier Valley are unique in this county whose population is rapidly assuming a cosmopolitan aspect.

It was in such environment that Mr. Peoples was born, and reared to manhood. If he needed any other incitement to educational attainment to equip him for professional life, it was present in the counsel and example of the profound scholar, Dr. James McCormick, the near neighbor of Mr. Peoples in his school days. As the mentor and instructor of youth for higher things in life, no more capable, inspiring and helpful man lived in the communities in which his life was spent.

Mr. Peoples when he came to the bar was an expert stenographer, and served as court stenographer in the court of common pleas for several years. In 1880 he entered the firm of McAfee and Atkinson, and the firm of McAfee, Atkinson and Peoples continued until the death of Mr. McAfee in 1890. Thereafter he continued in association with Mr. Atkinson, who survived him, until his death.

Mr. Peoples was a well trained lawyer when he began the practice. He had acquired the principles of the common law in one of the best law schools of

New York, a common law state. He had unusual facilities for acquainting himself with the practice not only in the busy office of his preceptor, Mr. Atkinson, but in the knowledge gained in the trial of cases during his service as court stenographer. Every move in a trial; every resource of able and skillful trial lawyers; every exigency that arises in the trial of cases; every incident of pleading, and every principle of law which had been absorbed in his training were daily displayed in the trial of cases in which he had served as court reporter. The consequence was that early in his professional life he became the thoroughly equipped trial lawyer he continued to be during his whole professional life. He seldom became an advocate before a jury. That part of the trial was performed by his partner, Mr. Atkinson, who was distinctively a jury lawyer. But the drawing of the pleadings, the preparation of the briefs for trial, the argument of the law and the strategy of the cases were the work of Mr. Peoples, who was thoroughly competent in those respects.

Mr. Peoples was a hard worker and a conscientious and faithful servitor of his clients. His firm enjoyed one of the largest, most diversified and lucrative volumes of practice at the bar. His business drove him hard, and left him little time for other pursuits or diversions. While others of his brethren took excursions into politics or had side lines in business and thus at times eased the strain of the burdens of professional life, Mr. Peoples had but one mistress, the law, and she jealously preempted all his energies and sacrificed him as her victim in middle life.

Notwithstanding his absorption in business, Mr. Peoples had engaging social qualities. He was agreeable, well liked by his brethren, and had the confidence of the bench and bar. He had many friends and few enemies, and such asperities as did exist over the incidents of the strenuous practice of a profession whose pursuit lies not in land-locked, quiet bays but in the open sea where storms and cross-currents and conflicts abound, were soon forgotten.

Politically, Mr. Peoples was a Republican. He never sought office. Religiously he was a Presbyterian. His brother, Rev. Samuel Peoples, has spent his life in the foreign mission field in India. In July, 1901, Mr. Peoples died, after brief illness in the 52nd year of his life and the 24th year of his practice.

WILLIAM H. YOUNG, Esq.

William H. Young was born in Salem Township, Westmoreland County, Pa., of Scotch and German lineage, in 1853. He was educated in the common schools and in the New Salem Academy. He read law with Judge James A. Hunter and was admitted to the Westmoreland Bar at August Term, 1877.

Mr. Young was reared in the atmosphere of learning. The academy at New Salem within sight of his home beckoned to a youth of eager aspirations and more than ordinary mental endowments. The Academy was a child begotten by the community to minister to its educational wants. The country-side was settled with a stock of people who both by birth and training could rightly appraise the value of education. The ancient Borough of New Salem was surrounded by a cordon of Calvinistic Churches; Beulah, Murrysville, Union, Poke Run, Congruity and New Alexandria. There was a liberal sprinkling of farmers of German ancestry. It was natural that a community of such stocks of people should desire an educational heritage for their children. Rev. Dr. David Kirkpatrick for many years had combined with his pastoral duties the teaching of mathematics and the classics to the aspiring youth of the community, but the fire upon that altar of learning had expired with the end of his useful life. Where could Harvey, McConnell, Young, Sloan, Hugus, Ryckman, Bair and Lauffer, with eyes centered upon the legal profession, and other aspiring youth looking to the ministry and teaching, light their tapers? The New Salem Academy hence was born

and accomplished a ministry that has given to the Westmoreland bar some of its brightest ornaments and to the Gospel some of its ablest exponents.

In this Academy Mr. Young laid broad and deep the foundations of an education upon which he never ceased to build the superstructure while he lived. He was a man of scholarly tastes, of keen thirst for knowledge and of accurate and wide scholarship. It was not his fortune to attend college, but with an appetite for learning, whetted to keenness by the rivalry of other youth among whom he dwelt, having like ideals and aspirations, he acquired a scholarship, and mental perspective broader than many men of collegiate training. Mr. Young had few superiors as a mathematician. Upon one occasion, with long strides, with bent head and unseeing eye, he met on the street a brother member of the bar who joshed him about what profound legal problem so preoccupied him. Recalling his faculties to the immediate present he stated a difficult problem in quadratic equations, and did not rest until he came along to the office and solved it and rejoiced in the conquest with all the enthusiasm of a boy.

The mind of Mr. Young took wide range in literature. He knew romance. It bore a message to his sensitive soul. It gave wings to his imagination for lofty flights beyond the sordid things of earth. He bathed his soul in the atmosphere of poetry. It was a shrine he approached with reverence. It was an altar upon which he never made an offering, but his ear was attuned to catch the melodious strains of others who sacrificed to the muse and those strains made vibrant the chords of his own poetic soul. Shakespeare, Byron,

Milton, Burns, Pope—all the great poets wrung from him the tribute of devoted study and awakened his emotions to keenest delight. The humdrum of the profession, the sameness of its everyday employments never corroded the powers of a mind which found its favorite habitat in the realm of the poetic and imaginative. Once when writing a deed he suddenly broke off to quote the language that told the release of the “Prisoner of Chillon:”

“It might be months, or years, or days,
I kept no count—I took not note,
I had not hope my eyes to raise,
And clear them of their dreary mote;
At last men came to set me free,
I asked not why and reck’d not where,
It was at length the same to me
Fettered or fetterless to be
I learned to love despair.”

Mr. Young was not fond of the drudgery of the law. He endured it with less grace than those whose minds were keyed to lower pitch. The prosaic and merely mechanical irked him. If he could have others draft his deeds, draw his pleadings and attend to the laborious details of preparation for trial, he avoided what to him was more productive of brain fag than the keenest thrusts and the heaviest assaults of the battalions arrayed against him. He thoroughly enjoyed the combat of a lawsuit. Its vicissitudes might stagger but they never put him out of the running. As an advocate Mr. Young had few superiors. His physical presence to a jury was impressive. He was of commanding height. His face displayed a strong indi-

viduality. His flashing brown eyes lighted up with an enthusiasm and intensity of purpose that presaged a message of compelling power. When launched in the full tide of his argument his words built themselves into sonorous periods, perfectly rounded, chastely selected, rhetorically perfect. The general *ensemble* was a flawless work of art, the general effect was electric. The imaginative power that contributed to his eloquence was the gift of nature; the language that clothed the conception with strength and beauty was self-acquired. United, they gave him a power as an orator that could charm into the forum the busy lawyer from his desk, the absorbed business man from his counting room.

Mr. Young was a successful case trier. He was engaged in most of the serious homicide cases as attorney for the defendant from the opening to the close of his professional career. It was in the trial of these cases mainly that his reputation was established. His last important case was a trial in the United States Supreme Court. It was in the argument of this case that the inroads of the mental malady that ended his life were first apparent to his colleagues and antagonists.

The possession of unusual elements of strength did not make Mr. Young supercilious or overbearing. Rather his modesty was such as to beget the idea that he was not conscious of his superior endowments. He deprecated rather than solicited commendation. He was democratic in manner, social in disposition, capable of warm personal friendships full of the joy of living.

At the early age of 38 years, when most men have completed their discipline, have matured their powers and are gathering the laurels that will crown a successful life, an insidious disease laid siege to the brain of Mr. Young and disordered those splendid powers that had already brought him distinction. He lingered for some months, the powers of the body yielding until he died in Philadelphia in 1891.

ALEXANDER M. SLOAN, Esq.

Alexander McBride Sloan was born in Salem Township, Westmoreland County, on the 24th day of April, 1852, of Scotch-Irish parentage. He was educated at Delmont Academy and Washington and Jefferson College. He read law with James J. Hazlett, Esq., and was admitted to the Westmoreland Bar at February Term, 1880.

Mr. Sloan belonged to that Salem contingent of young men that furnished a half score of lawyers to the Westmoreland Bar within the last half century. That district of the county boasts of no superior physical advantages. Its location is inland; its hills are rugged; its yields tribute only to exhaustive labor; its mineral wealth lay dormant until the present century; yet in its atmosphere its youth dreamed dreams and saw visions of things desirable and attainable beyond its borders, and they hastened in numbers to the ministry, the law, the profession of arms and the marts of business.

The common schools provided an outlet to his energies when Mr. Sloan felt that his powers were sufficiently disciplined to embark upon a life of public service. He taught for several years in the township schools and completed his work by four years of service as supervising principal of the Latrobe public schools. During this period he assisted the county superintendent in conducting teachers' examinations and school visitation. His interest in public education never flagged during his professional life, and he felt as much at home and manifested as much interest

in a teachers' institute or a school board meeting as he did while guiding the footsteps of youth in the pathway to erudition.

Mr. Sloan had an extensive acquaintance in the county when he came to the bar, and this availed him in speedily building up a considerable practice. In 1883 he was elected District Attorney. During his three years term the industries of the county were greatly enlarged. In fact these years witnessed the great expansion of the coal and coke business, the production of natural gas, and extensive railroad construction in the county. These industries attracted a large influx of alien immigrants, then pouring into the United States. The consequence was great disturbances of the social order and a great increase in the criminal business of the county. Mr. Sloan was a model district attorney. He systematized the work, drew his bills of indictment with care and skill, tried his cases with ability, and expedited the business so as to conserve the time and labor of the court, save money to litigants and the county and dispense even-handed justice to all. Mr. Sloan felt it to be no part of his duty to convict at all events. If after investigation, he found that a prosecution was ill-founded, or that the machinery of the criminal law had been set in motion to gratify ill will or private vengeance, it was his custom to state to the jury his belief that the defendant was being wronged and to ask them to exonerate by their verdict.

As his term drew to a close Mr. Sloan was a candidate to succeed himself, but he was defeated for the nomination by D. C. Ogden, Esq. He then became as-

sociated with Hon. Lucien W. Doty as Sloan and Doty, which partnership continued until Judge Doty's elevation to the Bench in 1890. Mr. Sloan then became a partner with V. E. Williams, Esq., and W. A. Griffith, Esq., as Williams, Sloan & Griffith, which continued until Mr. Griffith's removal to become a member of the Allegheny County Bar. W. F. Wegley, Esq., joined the firm which became Williams, Sloan & Wegley. This association continued until Mr. Sloan's death in 1915.

Mr. Sloan was a capable practitioner. Work came easy to him. It was perhaps because of this, and the inroads of ill health, that he was rather a spasmodic worker than an every day, 10 hour plodder in an office that was well organized, systematic and disposed of a large daily volume of business. He travelled a great deal, many times to the Pacific Coast, where he had large business interests, and once making a tour of Europe. He was a keen observer, and much of the knowledge that made him a well-informed man came from his study of institutions and methods of other localities, which he was quick to adopt and apply in his civic activities in his home town.

Greensburg is traversed by two streams that unite at the foot of Main street. These are the natural sewers of the town. The population began to increase rapidly from 1880 and the stream traversing the center of the borough from increased sewerage became a menace to the public health. Mr. Sloan was a member of the borough council and an expert in sanitation. He broached the idea of arching the stream and sewerizing the adjacent territory into the

conduit, thus establishing a complete sewerage system. It was proposed to arch the stream at public expense. The town was conservative, free of debt and the project was expensive. It aroused a storm of indignation. Mr. Sloan courageously and persistently breasted the storm and completed the project. It has eventuated in being the cheapest and most valuable sanitary acquisition the borough possesses, and it was but a short time thereafter that the citizens were a unit in commending his wisdom and courage, exerted for the public welfare.

Another instance in which Mr. Sloan displayed his courage was as a member of the School Board when the high school was built in 1896. It was necessary to bond the District for \$85,000. Mr. Sloan was an ardent Democrat. His party platform that year had declared for the free coinage of silver. Without a clause making the bonds redeemable in gold he believed the bonds could not be marketed to advantage. With some of his party colleagues on the board and against the bitter protest of other members of like political faith he insisted on and succeeded in inserting the gold clause in the bonds, which gave them a ready market above par.

Mr. Sloan was Presbyterian in faith, the descendant of a long line of Calvinistic forbears. His health began to fail several years before his death and he sought every means of relief without avail. He died at his home in Greensburg on October 12th, 1915, in the 64th year of his age, and the 36th year of his practice.

JUDGE ALEXANDER D. McCONNELL

Alexander D. McConnell was born in Salem Township, Westmoreland County, Pa., on the 10th day of March, 1850, of Scotch-Irish parentage. He received his education in the common schools, in New Salem Academy and in Washington and Jefferson College. After teaching in the common schools of Salem Township he came to Greensburg and served several years as principal of the public schools. He read law with Hon. James A. Hunter, and was admitted to the Westmoreland Bar at May Term, 1877.

Born and reared in an environment whose landscape was dotted with the country school and the country church; whose atmosphere was intellectual, and whose traditions were enriched by the eminent scholar and divine, Dr. David Kirkpatrick, it is not singular that this youth of Scotch-Irish lineage should have developed that love of learning which he possessed in such marked degree; which gave purpose and distinction to his life, and which made him the brilliant and finished scholar he became. For he was a scholar of wide range of study. In recognition of his scholarship Westminster College, in 1902, conferred upon him the degree of Doctor of Laws. His hunger to know the best which a heritage of six thousand years of civilization had made accessible, was instant and keen. A glance at his large and varied library made this apparent, but much more apparent did it become in his discourse with his fellows of like tastes and in his public addresses and judicial opinions.

Judge McConnell early manifested the qualities of mind and the legal learning which qualified him for his long and distinguished career on the bench. Quite early in his practice he discovered an industry, a knowledge of legal and equitable principles, a patience of research and a clearness of judgment which, in effect, made him the chancellor to whom most of the knotty questions in the Orphans' Court and Equity were referred.

In the practice of the law Judge McConnell's energies were largely spent in the quiet of the study, and counselling in the affairs of clients whose business seldom took him into the trial courts. He tried few if any cases in the criminal courts and but few in the civil courts. His mind was deliberative, his thinking consecutive, and his conclusions were the products of reasoning rather than of intuition or instant perception. The important thing was to be right, the thing that justified the quest was the truth. It was too sacred to be guessed at, too important to be determined at first blush; it was worth the labor of deliberate meditation. This habit of mind explains the reason why he seldom tried cases, the trial of which, when the exigency arises, requires the ready statement of conclusions without the time to formulate the reasons, but how aptly this mental constitution, how unconsciously but thoroughly this mental training qualified him for the judicial office.

On the 17th of June, 1895, Judge McConnell was appointed and commissioned Additional Law Judge of the 10th Judicial District. He was elected the same year for the term of ten years. So satisfactorily had

he discharged the duties of the office that in 1905, having received the nomination of the Republican party, he received the endorsement of the Democratic party and was elected without opposition for another term. In 1915 he was elected for a third term during which on the death of Judge Lucien W. Doty, he became president judge. In the midst of his third term on the sixth day of September, 1921, he was suddenly stricken in death on the bench while, figuratively, robed in the judicial ermine and his voice yet resonant with the oracles of the law.

It was in his character as a presiding judge for a generation that Judge McConnell focussed the public eye. To the discharge of the duties of his exalted station he brought an intellect of great natural force, a will of great executive power, a patience that took no note of time or labor, and a learning that made his utterances chaste and luminous. He knew the law. Its altar found him a constant votary; its oracles addressed themselves to an intelligent and receptive listener, and the administration of justice received these oracles from him as a faithful and just interpreter. To Judge McConnell the attribute of Justice was not a variable quantity, nor a mere abstraction, but a fixed and determinate entity. It was as much an attribute of the law as it is an attribute of Deity.

Thus his view of the law will lead to the springs of his administration of justice. It will interpret his motives and illuminate his judicial acts. It will make clear the reasons for his patience of research and his arduous labor. He would be right in the inferences drawn by a logical mind from complicated facts, if a

thorough knowledge of the law applied to those facts, and acquired by incessant industry, would enable him to be right. That he usually was right in the multitudinous issues he tried is attested by the remarkably few reversals of his decisions by the appellate courts, in comparison with the number of prominent cases he tried.

In the administration of the criminal law he was stern in the denunciation and punishment of crime; not because he execrated the criminal, not because the fountain of human sympathy was sealed up in him, but because the welfare of human society demanded the heavy hand of the law's restraint. The sternness of the Roman Judge who could denounce the penalty of the law against his own son, that sternness Judge McConnell possessed, and could denounce against his best friend if that friend assailed the integrity of the law.

The members of the bar in arguments to juries sometimes rode for a fall when, over-impelled by their zeal for a client they drew unwarranted inferences from facts, side-stepped the strength of the adversary's case or pressed a legal principle beyond its just limitations. Judge McConnell would not permit justice to be thus contravened, but, with courtesy to the over-zealous counsel would restate the true issues and submit the case to the jury on the uncolored, relevant facts and correct principles of the law, in order that justice might not miscarry.

It belongs to but few lawyers to transmit a heritage of fame to posterity. The utmost they can hope after a generation has passed, and faded the memory

of their triumphs is, that the judges and lawyers of the future will think their thoughts, discover their mental processes and weigh their conclusions as they analyze their briefs which are recorded in the reports of the appellate courts. *Sic transit gloria mundi.* But the fame of Judge McConnell rests upon much more secure foundations. His opinions are enshrined in eight volumes of the Westmoreland Law Journal, other legal publications and in the reports of the Supreme and Superior Courts, and of the Supreme Court of the United States. These opinions will continue to be models of judicial utterance as long as clearness of statement, cogency of reasoning and correctness of conclusion continue to be regarded as valuable attributes of judicial opinion.

Judge McConnell was companionable. Notwithstanding an apparent reserve, which to the stranger may have had the aspect of exclusiveness, to his friends, and they were many, he was the delightful and instructive companion. When the burden of his duties had been diminished by protracted labor and he had a period of leisure, it was his delight to detain his visitant for an exchange of views or the discussion of current events. He had a keen sense of humor, and a sparkling wit, as well as a large fund of anecdote. These he would employ to illustrate a point in such manner as would exhilarate, while it would fix the point in the mind of the listener. He enjoyed the mental passage at arms, and his retort was keen and penetrating.

In politics Judge McConnell was a strong and consistent partisan. He believed in the principles

and policies of his party, and was proud of its achievements. He believed in the effective maintenance and support of the party organization. He recognized the exigencies of party politics and sustained the organization, although he may not always have approved the methods of party leaders.

Judge McConnell had intense likes and dislikes. He was quick to excuse the frailties of human nature where the balance of the good preponderated, but he despised a hypocrite and a traitor and did not hesitate to flay the man guilty of double dealing with a sarcasm that penetrated to the joints and marrow, and a scorn that withered pretense.

Judge McConnell was democratic in his views and manner of life. He had a large faith in the worth of the common people. His early environment, his upbringing and his struggles in life allied him with the masses of men. Wealth, social position or place were to him simply the incidents, not the essentials to the making of a man. He cared not for the atmosphere in which

“Low browed baseness wafts perfume to pride.”

The Christian religion found in Judge McConnell a firm believer. He came of a long line of Presbyterian forbears. The great truths of the Westminster Confession satisfied a mind that was by nature and training inquisitive. There was no one in the community that excelled him in regular attendance on divine worship. With him church attendance was not merely a good custom; it was a habit of life.

ALEXANDER EICHER, Esq.

Alexander Eicher was born at New Stanton, Westmoreland County, Pa., on the 24th day of November, 1851, of French-German parentage. He was educated in the common schools, in Madison Academy and Duff's Business College. He read law with A. A. Stewart, Esq., and was admitted to the Westmoreland Bar at August Term, 1880.

On his admission to the bar Mr. Eicher had a knowledge of practice and familiarity with legal forms equalled by few lawyers after several years of practice. He had spent a long clerkship in the office of Register and Recorder, and thus became acquainted with almost every form of contract. As deputy to the Register of Wills and grant of administration he had picked up an extensive knowledge of the law of the settlement of estates. He had served a three year's clerkship in the office of Mr. Stewart, a very busy lawyer but a notoriously bad writer, and it fell to Mr. Eicher, who was an unusually good writer, to draw Stewart's petitions, declarations, deeds and contracts which was done with a facility that dispensed with form books, with a competency and exactness that certified him as already a good office lawyer when he was admitted to practice.

Within a few months after the admission of Mr. Eicher, his preceptor, in whose office he continued, died, and thereby, he took over a large practice. Mr. Stewart had practiced extensively in the Criminal Courts. From that considerable class in the county that had come into collision with the social order, Mr.

Stewart had a large and devoted following and his mantle descended upon the shoulders of Mr. Eicher. From this adventitious circumstance, as well as from inclination, he pursued this line of practice with assiduity and success during his whole professional life.

In 1887 Mr. Eicher formed a partnership with W. S. Byers, Esq., as Eicher & Byers. On the severance of this relationship he took in his two sons, C. Ward Eicher and Alex. Eicher, Jr., Esqrs., who yet continue to practice under that name.

Mr. Eicher was not a book-worm and had little taste for abstract studies. The lack of time required for systematic study; the necessity which was upon him to make a living from his youth up; the consequent contact with men of affairs, rather than with men of scholarship in the class room; and the urgency of a strongly developed social nature all conduced to make him a student of men rather than of books; to deduce sequences from human action rather than to arrive at conclusions by the logical processes of the metaphysician. It is not to be implied that he who derives his learning in the school of human nature acquires an inferior education. It was a maxim of the philosophy of the ancients that "the proper study of mankind is man," and he who knows men in their springs of action, habits of thought, objects of pursuit and methods of attainment, has acquired a liberal education to qualify for the practical performance of life's duties.

Mr. Eicher was a man of quick perception and of ready wit. He sought the vulnerable places in his opponent's harness, selected the sharpest arrows in

his quiver, and was a good marksman. If he gave wounds, he could also take them with apparent good humor, but the joy of the conflict and the curative balm to his own wounds was to see his antagonist engaged, metaphorically, in licking his sores.

Mr. Eicher had skill in the cross examination of witnesses. He would so direct it as to elicit answers from which he would draw very embarrassing inferences in the argument. On one occasion a distinguished doctor had been called by the other side whose testimony was hurtful to his client. It was essential to weaken its force with the jury. He did not attempt to do this by getting into a controversy with the doctor on the merits of his professional opinion, which usually results in the discomfiture of the lawyer. Instead, he questioned him thus: "You have had a long and extensive experience as a doctor?" The doctor replied, "Yes." Question: "John Jones got sick and you treated him?" Answer, "I did." Question: "He died?" Answer, "Yes." Question, "You treated William Brown, and he died?" Answer, "Yes." Question, "You treated Henry Green, and he died?" Answer, "Yes." He cited several other patients whose death the doctor was compelled to affirm. He then dismissed the doctor, saying, "That is all." The inference susceptible of being drawn was, that the doctor's opinion as an item of proof was worthless.

In politics Mr. Eicher was a Democrat. He took an active part in the party management and responded to every call made upon his party allegiance. He was bold and fearless in the expression of his opin-

ions. He was warm and enduring in his friendships, hearty and relentless in his enmities.

Several years before his death Mr. Eicher's health began to fail and he was compelled to relinquish the burden of his business to his two sons. He died at his home in Greensburg on the 24th day of September, 1905, in the 54th year of his age and the 26th year of his practice.

HON. LUCIEN W. DOTY

Lucien W. Doty was born in Mifflin, Juniata County, Pa., on the 18th day of July, 1848, of Scotch-Irish ancestry. He was educated at Lafayette College, Easton, Pa., from which he was graduated in 1870. He read law with his father, Edmund S. Doty, a distinguished lawyer of Central Pennsylvania, and was admitted to the bar of Juniata County in 1873. He removed to the City of Philadelphia, where he engaged in practice for several years. In 1881 he came to Westmoreland County, where he continued to practice until his elevation to the bench in 1890.

It was apparent when Judge Doty made his advent to the Westmoreland bar that he did not have to fledge his wings and grow his spurs to assume a commanding position at the bar. He came in the full ripeness of his scholarship, experience acquired elsewhere, and with a native ability that enabled him to sustain himself with high credit at a bar that was graced with distinguished ability and was rich in the renown of its past. Foster, Fulton, Keenan and the elder Marchand had recently finished the volume of their struggles and triumphs. Cowan, Given, Hazlett, Armstrong, McCullough and Turney were writing the closing chapters of their professional lives. New Richmonds were entering the field when Judge Doty first displayed his cognizance. The bar knew little of him. It is true that he came with credentials in his hands from eminent lawyers in the east, but he bore in his head and heart the real credentials which enabled us to say when he entered the forum and discovered

his quality, "We did not think thee lord of such a spirit."

Judge Doty was a man of ripe scholarship. His college mother ministered the best she had to a responsive learner, but the power of assimilation was proportioned to the mass of learning. He had a card-index mind that could assign each treasure of learning to its proper receptacle. He was a master of good English, and he could state a cold proposition of law or embellish the products of a fine imagination with equal felicity.

When Judge Doty commenced practice he was entirely unknown to the patrons of the bar. But few men acquired so wide an acquaintance as did he in so brief a space of time. He was a good mixer. He was an ardent politician, strongly attached to the Democratic party. He responded to the calls of his party in the Pattison campaign for Governor in 1882, and the Cleveland-Blaine campaign for the presidency in 1884, with such vigor and ability that the eyes of the party leaders saw in him a political Moses who had the strategy, the organizing ability and the eloquence that could inspire confidence and command a following that would assure victory.

Within four years after he came to the county Judge Doty became the undisputed leader of his party, and as chairman led the party to victory in several succeeding campaigns. This political ascendancy brought him numerous clients and gave him the opportunity to display his great ability as a trial lawyer. He won several important cases that established his reputation as a skillful, resourceful and painstaking lawyer and persuasive advocate.

In 1889 Mr. Doty was the Democratic nominee for president judge. The district was politically close. A. D. McConnell, Esq., afterwards called to the bench and for many years Judge Doty's colleague, was the Republican nominee. He was a seasoned campaigner, an astute politician and an able lawyer. The contest was exceedingly spirited, but Judge Doty won, and he entered upon a career of distinguished service on the bench that continued for 28 years and ended only with his death.

As an executive officer Judge Doty had few equals in the dispatch of business. Coming to the bench at a time when the natural gas, coal, coke and other manufacturing interests of the county were swelling to large volume, he labored with an industry, an ability and a rapidity that avoided congestion, cleared the court calendar and redeemed the administration of the law from the reproach so often imputed to it.

Judge Doty had a sound knowledge of the law. He could trace a legal principle to its anchorage in the rock of eternal truth. He never consciously sought to wrench it from its anchorage. It may be permissible to vary the figure; if, in order to adjudicate cases of individual hardship, humane judges, struggling with rigid principles adopted to generalize justice, sometimes clouded the limpid stream of the law with *obiter dicta*, he went to the fountain head where the stream issued pellucid and pure.

Judge Doty in a marked degree had the power of keen, logical analysis. His style was epigrammatic, and yet his epigrams built themselves in logical sequences to inevitable conclusions. The ingenuity of

the casuist had neither motive nor place in his utterance. So direct were his mental processes and so terse their expression that they followed the axiom of mathematics that "the shortest distance between two points is a straight line."

This power of analysis was most notable in the trial of cases. Keeping the real issue involved constantly in view it was not difficult for him to relate the relevant facts to it, and to keep the testimony within the proper compass. If the advocate became befogged in the mazes of his case, or succeeded in injecting irrelevant evidence, upon which he enlarged in his argument to the jury, the sun of his "Austerlitz" set when Judge Doty delivered his charge. He winnowed the wheat from the chaff, and what appeared to bulk large and jagged was compacted to the proper proportions and was made to consist only of its proper ingredients.

The unvarying good humor, geniality and courtesy of Judge Doty served to relieve the tension of the lawyer in the hardest of his tasks—the trial of cases. If he were the seasoned veteran of many battles this attitude of the court set his mind to running smoothly in its accustomed groove, sweetened his disposition and, like sleep, "Knit up the ravelled sleeve of care." If he were the tyro, conscious of inexperience, assailed with misgivings, with mountains of difficulty appearing in his immediate perspective, this kindly attitude of the court leveled his mountains and brought him reassurance.

Judge Doty had a pardonable pride in the quality of his work. It gave him much mental satisfaction when

his judgments were affirmed by the Appellate Courts as they were, much more frequently than otherwise. He never adjourned court C. A. V., when the sudden emergency arose or a novel position was assumed and argued with vigor and plausibility by able counsel. He decided it promptly and usually decided it right. Sanderson vs. Coal Co., 113 Pa. State Reports, page 126, deciding that a coal company supplying an indispensable article of commerce, might pollute the waters of a stream without liability for damages to riparian owners, had contravened the legal maxim *sic utere tuo, etc.*, freely rendered, "so use your own as not to injure others," a maxim that had been followed and venerated by lawyers for a thousand years. A phase of this question was before Judge Doty in McCune vs. Pittsburgh and Baltimore Coal Co., 239 Pa. 83. It was decided by him and affirmed by the Supreme Court that where mine water is diverted from its natural outlet and raised to the surface and discharged into a stream of pure water of higher elevation and not the natural drainage of the mine, the operator, so doing, is liable in damages.

Judge Charles D. Copeland, his successor, at present the able president of our Court of Common Pleas, has rendered this tribute to Judge Doty: "I will never forget Judge Doty's kindness to me when I first went on the bench. He was determined that I should have the advantage of his more than a score of years' experience. He took advantage of every opportunity to instruct me how cases should be tried, and his advice and counsel have been and will continue to be, of invaluable assistance to me in the trial of cases."

Lafayette College conferred on Judge Doty the degree of LL. D. in 1895.

Judge Doty was a member and for a number of years an elder in the Presbyterian church. He was honored by the Blairsville Presbytery by election for a term as its moderator, and he delivered an address, as is customary, on his induction into the office. His health began to fail and his last two years on the bench were endured with much pain and discomfort. He died at his home in Greensburg on the 18th day of July, 1918, at the age of 70 years.

DENNA C. OGDEN

Denna C. Ogden, Esq., was born in Fairfield Township on the 16th day of March, 1860, of English and Scotch-Irish ancestry. He was educated at Blairsville Academy. He read law with Hon. George A. Jenks, afterwards Solicitor General of the United States, and was admitted to the bar of Jefferson County in 1882. He soon removed to Greensburg and was admitted to the Westmoreland Bar in June, 1883.

In the first flush of young manhood, with a vigorous body, a fine mind and a fair education, Mr. Ogden's outlook on life was roseate. The world was big with possibilities to him. He had few hampering circumstances to impede his progress. He had large ambitions, a strong will and an energy at ready command, that sustained him to the furthest limit of his labors. In any avenue of life his passing would be heralded by his deeds and would leave way-marks to prove that a vigorous, individualistic, efficient personality had passed that way.

Mr. Ogden was comparatively unknown in the county where he began to practice. Clients could be won in only one way—by the manifestation of his ability and willingness to efficiently serve them. It is the rocky, but withal the royal road to success, developing men of kingly proportions who traverse it. Clients came in increasing numbers and steadfastly remained until he was in the enjoyment of a large and lucrative practice.

The occasion which brought Mr. Ogden prominently on the stage of his professional life was his

nomination and election as District Attorney in 1886. The Democratic party during that year only, made its nominations under the delegate system. The incumbent of the office, A. M. Sloan, Esq., who had been a most excellent officer, was a candidate for re-election. There were two other well known candidates. Mr. Ogden was little known to the electorate, but such was his diligence and astuteness in conducting his canvass that he was able to persuade delegates, who were committed to other candidates, to give him their first, complimentary vote, with full liberty to go back to the candidate whom they favored after the first ballot. But the complimentary first settled it, as he assumed it would, and procured him the nomination. The county was politically close at that time, each party winning in alternate years. Mr. Ogden adopted Samuel J. Tilden's method of organizing the party by election precincts and sub-school districts. The result of this close touch with the rank and file of the electorate secured his triumphant election. He served the term with distinction.

Mr. Ogden continued his allegiance to the Democratic party until 1896 when he parted company with the party because of its adoption of the plank in the platform for the free coinage of silver at the ratio of 16 to 1, and joined and thereafter remained in the Republican party. He was not a seeker of elective office in that party, but by his organizing ability became a power, and had a shaping hand in the destinies of several successful candidates. For several years he occupied the role of the king-maker, the Lord Warwick of the Republican party.

The qualities that brought success and distinction to Mr. Ogden were: *Devotion to the study and preparation of his cases.* It is doubtful if any of his brethren made more exhaustive examination of the authorities that ruled his case. He had equipped himself with a large law library that embraced all the appellate and side reports and almost all the current text books. He read these not as a daily task by prescribed limits, but when the necessity was imminent, with an intensity of concentration, with a patience of examination and with an expenditure of time and labor that took no note of passing hours and waning strength until the task was done. Convenience, comfort, ease—all were on the altar of sacrifice, *Palma non sine pulvere* was to him a trueism worthy of all regard. When the task was done he recuperated his strength on the golf links, or by a trip to Europe or to the pleasure resorts of his own land.

Persistence in maintaining his contention. No occupant of the bench before whom Mr. Ogden tried a case was able to say that he decided a mooted question on first impression, unless his first impression after mature deliberation remained his final judgment. If Mr. Ogden thought he was right a refusal of his point was not a knock-out, but only an incident in the trial. He would present it again, courteously, and with the greatest good humor, possibly in a little different guise, with reinforced argument and added citation of authorities. This persistence always wearied, and sometimes exasperated his opponent and sometimes ruffled the judge, but at times it brought a change of

view to the judge, a score for Mr. Ogden and the necessity for quickly reshaping his case by the opponent.

Resourcefulness. It required no diagram to enable Mr. Ogden to see the nettle of danger in his case, and he had the readiness to pluck the flower of safety if it grew in such environment. Nettles grow thickly along the pathway of a lawsuit, and the lawyer is often forced to ask himself the question of Juno:

“What sure expedient then shall Juno find
To calm her mind, and ease her boding fears?”

Courage. Mr. Ogden in his professional life was pitted against the ablest of his own and other bars. Numbers and legal talent at the opposite counsel table had no terrors for him. They but keyed him to a higher pitch of effort, to greater exuberance of spirit, to a more canny watchfulness. Opposition, instead of producing depression, became a tonic, and increased the glory of the strife.

But while Mr. Ogden was combative when the strife was on, he nursed no grievances and harbored no malice when it was over. His regard for his opponent bore a just proportion to the reach and keenness of his opponent's sword; and his friendship was sincere and earnest.

Mr. Ogden was quite active in and fond of social functions, and in these he played as he worked, with interest, with earnestness and with delight.

In the 56th year of his life and the 34th year of his practice Mr. Ogden became the prey of an incurable ailment and died on the 3rd day of September, 1915, mourned by Bench and Bar and by a large circle of friends.

HON. EDWARD E. ROBBINS

Edward Everett Robbins, Esq., was born in North Huntingdon Township, Westmoreland County, Pa., in September, 1861, of English ancestry. He was educated at the Indiana State Normal school and at Washington and Jefferson College from which he was graduated in June, 1881. He read law in Columbia University Law school, and with John F. Wentling, Esq., and was admitted to the Westmoreland Bar on the 8th April, 1884.

Mr. Robbins lived an eventful life. It was the promise of his youth and the outworking of his entire aggressive nature. He was at the storm center of things both in his political and professional life. These storms are inevitable incidents of an aggressiveness that attains success. The line of least resistance is most likely to lose the individual in the mazes of the labyrinth. It seems to be the law of life that the things that are most worth while are the things that are the hardest to get. It is always *per aspera, ad astra*. The philosophy of this is elementary. What one values has been appraised at equal or greater value by others, and human nature is not yet so sanctified that it can engage in rival conflict along the lines of pure morality.

Mr. Robbins had a mind of fine natural endowments. He could conceive quickly, assimilate readily, reason correctly and reach conclusions that he could express with force and vigor. He had such readiness and command of language that he could clothe his thought with chasteness and beauty, however tumultuous.

tuously it demanded expression. He was persuasive in public address, because, when opportunity served, he was careful in preparation, brilliant in conception, ready in expression, and he threw an earnestness into the expression of his convictions that was positively dynamic. He had that versatility that enabled him to make an acceptable address, as he was required many times to do, without premeditation.

Mr. Robbins was a man of tireless industry. Born in, and subsequently surrounded by circumstances of wordly comfort, he had the option of taking life easy, but no man was a harder worker. He invited burdens and responsibility. When they came in increasing numbers and weight he broadened his shoulders and strengthened his thews to bear them. Nothing in his life is more praiseworthy, more to be emulated by the young man seeking the avenue to success, more contributory to the success of Mr. Robbins himself, than his tireless industry. When others sought relaxation and well-earned rest, he toiled on until he died in the harness, serving others. Perhaps he died untimely because in the service of his country he impaired the vitality essential to combat disease.

Mr. Robbins was a well-trained lawyer. His practice led him into every part of the field of jurisprudence. He was a keen antagonist wherever he was confronted. If he lost the onset he had good rallying power and could marshall his forces and put up a good fight when the odds were against him. He was not always right in his contentions, but he was always militant. When he lost out his antagonist knew that

he had staged a battle with front and right and left flank attacks to repel, and he bore some scars with his victory.

To the battle ground of politics Mr. Robbins made early advent. He was a Republican, without intervals of inactivity, without aberration in loyalty. In 1885 he took over the chairmanship of the Republican County Committee in succession to William J. Hitchman, the war horse of Republicanism. Those were the days of the transition of the county from Democratic to Republican control. He fought a winning campaign. His immediate reward came in the nomination for District Attorney. He suffered defeat because that year the election veered to the Democracy. In 1888 he was nominated and elected to the State Senate. He desired to go to Congress. Hon. George F. Huff held that seat apparently secure during life or at his pleasure. Robbins desired the nomination and had the courage to go after it. He became the stormy petrel of Republican politics. With the dash and courage of a Harry Hotspur he assaulted the Huff stronghold, but the bulwarks were impregnable and he suffered defeat. In 1896 he was nominated and elected to Congress. During his first term he was commissioned as Captain and saw service in Cuba in the Spanish-American War. He was again elected to Congress in 1916 and reelected in 1918, but died before taking his seat on his last election.

Mr. Robbins was a useful public servant. In the more private exercises of his office his services were at the command of every constituent without distinction of party, race or social condition. Any one could

get an answer from Mr. Robbins that summed up the fullest measure of effort on his part. In a constituency so large as this Congressional District, that sent so many soldiers to the front this was a heavy burden in itself. In his more public duties he was a diligent student of public affairs, a hard working, broad minded, able, useful member of Congress of whom his district was justly proud, and by whom it was ably represented.

Mr. Robbins was a patriot. There was no alloy in his Americanism. Although a paladin of the Republican party, devoted to its principles and proud of its history and militant in its service, he gave the full measure of his support to a Democratic administration upon every measure that had for its object the winning of the war. This is the real test of patriotism and the ultimate guaranty of our national prosperity.

But the quality most to be emphasized, because it was fundamental to all other qualities of Mr. Robbins was, his action was bottomed on his conviction of right. This is the highest tribute that can be paid to mortal man, for it links him up to his God. There were appeals that came to Mr. Robbins in his public life to influence his action contrary to his sense of right. They were urged upon the grounds of friendship, gratitude for loyal support given and support to be expected—among the strongest constraints that can move men. These appeals touched his heart, but did not constrain his action. His answer was "I cannot do it because it violates my conviction of right." May his high ideal always constrain the statesmen of this country.

Mr. Robbins was rapidly forging to the front in the lower House of Congress. He was coming into his own in important committee assignments as they are made under the rules of procedure adopted by the House. In the midst of this usefulness while engaged in the trial of a lawsuit in Somerset, Pa., he was suddenly stricken down and died on the 25th day of January, 1919, in the 59th year of his age, and the 35th year of his professional life.

JOSEPH A. McCURDY, Esq.

Joseph A. McCurdy was born in Derry Township, Westmoreland County, on the 11th day of December, 1857, of Scotch-Irish parentage. He was educated in the common schools and in the State Normal School at Indiana, Pa., from which he was graduated in July, 1877. He read law with Hon. James S. Moorhead and Judge John B. Head, and was admitted to the Westmoreland Bar at August Term, 1885.

Until he was fairly anchored in the legal profession Mr. McCurdy led a life of varied activity. He was born and bred to the life of self dependence. His perspective of life revealed a goal distant and difficult, but desirable and attainable. He had the qualities that could endure hardness and overcome difficulties and the ambition that impelled to attainment. He began his active life as a school teacher and taught in different sections of the county for several years. That profession provided the means to procure his education. The testimony of his pupils is that he was a capable and devoted instructor, a teacher with a vision, a mentor who could arouse dormant faculties and inspire his pupils to the accomplishment of the best that was in them. His next essay was into the field of journalism. He purchased the Mt. Pleasant Journal, and continued as its editor and proprietor until the Spring of 1883 when he began the study of the law. Under his management the paper was sprightly and readable, and was featured with items in its make-up that displayed originality.

Mr. McCurdy came to the Bar under auspicious circumstances. It was the period of the passing of the old Bar, and the demission of the practice to younger

men, and it was the period of the great expansion of industrial enterprise in the county. He accordingly fell into a considerable practice. It was noticeable that his patronage came, in large measure, from the localities where he had taught school and conducted his newspaper. The tendency which a young practitioner's home locality sometimes displays of standing aloof from patronizing at his start, when he most needs patronage, and allowing him to establish himself through the ministry of others before entrusting him with its business did not deprive him of clients. It has been the disappointing experience of many a fledgling, coming to the bar, with confident expectation that his old neighbors will flock to his office and enable him to connect up with their reservoirs of liquid substance that a "prophet is not without honor save in his own country and in his own house."

In the early 90's Mr. McCurdy took into partnership his former student, Jesse E. B. Cunningham, Esq., which relationship continued until Mr. Cunningham's removal to the State Capital to assume the duties of Deputy Attorney General of the Commonwealth. Some years after he formed a partnership with Alex McConnell, Esq., which subsisted until his death.

Mr. McCurdy was elected District Attorney of the county by the Republican party in 1891, and served the term with acceptance and ability. On the subsequent election of his partner, Mr. Cunningham, to the same office, Mr. McCurdy served as his assistant.

Mr. McCurdy was a good criminal trial lawyer. He prepared his cases with care and argued them with persuasive force and earnestness. As District Attorney he was frequently pitted against the ablest members

of the bar, and he rose to their challenge with credit to himself and with ample vindication of the rights of the Commonwealth. The sordid, less moving but more laborious details of civil actions made less appeal to him. He preferred the music of the instrument whose strings were keyed to the pitch of the humanities and swept by the touches of the imagination.

In politics Mr. McCurdy was a stalwart Republican. He did yeoman service for the party on the stump. He served at different periods as secretary and chairman of the County Committee. He was an aspirant for congressional honors, but failed of nomination.

In the private aspects of his life Mr. McCurdy was a good husband, a lover of his home, a good neighbor and a good friend. He was never so preoccupied that he could not find time for frequent visits to his aged and widowed mother, and his ministry to her was that of a helpful and devoted son.

Mr. McCurdy was a loyal churchman, Presbyterian in faith. He served his congregation as a member of the board of trustees, a member of the building committee that supervised the erection of the fine new church in which it at present worships, and was a member of the session at the time of his death.

For some years prior to his death Mr. McCurdy suffered from an impairment of his hearing. It's hindrance to the performance of his professional labors and his sense of the loss of converse with his fellows affected him keenly and tinged his last years with sadness. His health declined and he died on the 2nd February 1923, in the 66th year of his age and the 38th year of his practice.

JACOB R. SPIEGEL, Esq.

Jacob Rau Spiegel was born in Stuttgart, Germany, of pure German ancestry, in 1847. In early life with his parents he emigrated to the United States, settling in East Huntingdon Township, Westmoreland County. He was educated at Mount Union College, Alliance, Ohio, graduating in 1872 with Hon. Philander C. Knox, Attorney General, and later Secretary of State and Senator of the United States. He read law with Williams, Sloan and Griffith, and was admitted to the Bar at August Term, 1887.

Mr. Spiegel was the only member of the Bar of foreign birth. In early life he was a school teacher. With the means thus obtained, for he had none other, he put himself through college at Mt. Union, that splendid old college that furnished an education to perhaps more impecunious young men and women than any other college east of the Mississippi river, and that has grown from its then small and weak beginning to its present splendid physical equipment and wide usefulness.

By his progressive educational methods and intense and aggressive energy, Mr. Spiegel, in a few years, had become one of the foremost educators of the county. In 1878 he was elected County Superintendent of the public schools of Westmoreland county, which office he filled for six years. Among the many able superintendents who have served the educational interests of the county there are none who have been more able and constructive. As a school man he was original and aggressive, not bound by precedent, and not afraid

to be known as a radical in the introduction of new methods of instruction. He brought the schools of the county to a high state of efficiency. He made the annual county institute a forum in which appeared the most constructive and advanced educators of the nation, and established an evening lecture and entertainment course that brought to the county the ablest lectures and most artistic entertainers on the American platform.

At the close of his term he entered into commercial pursuits in partnership with his brother John S. Spiegel, which lasted until he began his course of study for admission to the Bar.

Mr. Spiegel had a wide acquaintanceship over the entire county. When he opened an office clients came in large numbers, his practice being drawn from all parts of the county. He immediately formed a partnership with M. N. McGeary, Esq., which continued until the death of Mr. Spiegel. He was fond of practice in the criminal courts. He was fluent, original in thought, earnest and emotional in manner, astute in the examination of witnesses and persuasive with the jury. He achieved considerable fame as a criminal lawyer.

In the civil courts the practice of the firm was extensive. The junior member of the firm was a close student of the law. His cast of mind was judicial and reflective, and while he was not fond of the stress and excitement of the trial, he was admirably qualified for the preparation of cases. On the other hand, Mr. Spiegel was a man of action who loved the flash of weapons and the clash of the combat, and with his

quickness of perception and his ability to shift his ground when it became boggy or offered too easy approach to the enemy, and with the energy of his onset he was a dangerous antagonist.

Mr. Spiegel was an enthusiast in anything he undertook. Things worth while bulked large in his vision. His mental vision was adapted to the microscope rather than the telescope. The thing within reach was the thing desirable and attainable, and therefore to be magnified to the end that it might be examined, approved and attained. Imaginative, speculative, aerial objects that must be brought from afar as well as be magnified had no charm for him. His mind roved only in the field of the practical and attainable.

Politics had a strong attraction for Mr. Spiegel. He was a Democrat, unalloyed, unterrified, unreconstructible. Defeat did not unsettle his convictions, disaster did not dishearten. He was present at many a Party Lodge of Sorrow, his heart still hopeful, his voice still jubilant in the gloom of defeat. In 1900 he was the Democratic candidate in his congressional district for Congress, but suffered defeat, the district being overwhelmingly Republican.

Mr. Spiegel had strong social qualities. He possessed a large fund of information. He was a ready and entertaining conversationalist. He yearned for association with his kind to exchange views, discuss the political situation, comment on the signs of the times and to hear or to tell some new thing.

Mr. Spiegel was a member of the Protestant Episcopal church and for a term a member of the vestry of the Greensburg Congregation. Doubtless he was as

helpful in that avenue of usefulness as in his other fields of endeavor.

Like all school men who have once served in the ranks of instructors, Mr. Spiegel never lost interest in, or touch with, public education. He kept abreast of the evolution of methods of instruction. He served on the School Board of Greensburg, attended the State School Directors' Convention and served as president of that body.

Mr. Spiegel for several years prior to his death was wasted by the ravages of a disease of the stomach. By sheer force of will he prolonged his life and kept at work. The malady could not be overcome, and after long and patient suffering he died on the 3rd day of January, 1903, in the 56th year of his age and the 16th year of his practice.

M. N. M'GEARY

Martin Nelson M'Geary, Esq., was born in Allegheny Township on the 10th day of September, 1860, of Scotch-Irish forbears. He was educated at State College, Centre County, Pa. He read law with John A. Marchand and Paul H. Gaither, Esqrs., and was admitted to the Westmoreland Bar at August Term, 1887.

Allegheny Township, in which Mr. McGeary was born and reared, has the melancholy distinction of being the last locality in the county to be abandoned by the Indians. It was the scene of their last rapine and bloodshed before they abandoned their wigwams at the constraint of the white settlers and were swallowed up by the distant West. The Kiskiminetas River on the north and the Allegheny on the west; the fertile lands, the deep ravines abounding in wild game furnished transportation, food and clothing to the Indians, and they tenaciously clung to this section against the aggression of the Scotch-Irish immigrants for 30 years after their power had been broken in the remainder of the county. Amidst the rugged river hills, wrested by frequent and protracted warfare from the aborigines, Mr. McGeary grew to his stalwart manhood, habituated to the labors of the farm, while he imbibed the moral principles and received the discipline which such an environment contributed to the shaping of his life.

When Mr. McGeary grew to manhood he engaged in teaching school in his locality, but his ambition was pointed to another and permanent field of labor—the law—and he converged his energies toward that ob-

jective. A great stretch of the northern part of the county had no representation in the legal profession at the county seat, and that field promised a profitable clientage to the young man who would preempt it. Accordingly, when he had completed his academic training he matriculated as a student and applied himself with such diligence and purpose that he came to the bar well qualified to engage in practice. He at once entered into partnership with Jacob R. Spiegel and the firm rapidly acquired a lucrative practice.

Mr. McGeary was a student of the law during his whole professional life. He never risked an opinion without having first assured himself that he could vindicate it by authority if it became the subject of judicial inquiry. His watchword was "*Ita est lex scripta.*" —He spared no pains and avoided no labor to satisfy himself that the law was so written. He was constitutionally cautious entirely devoid of that cockiness that will venture a judgment on everything without the investigation of anything.

Neither could Mr. McGeary be hurried into a "curbstone" opinion without examination and reflection by the consideration or suggestion that the matter required haste, that it was so elementary that it ought to be answered off-hand, or that another lawyer's opinion had been given thus and so. These considerations did not weigh with him. He was not ashamed to say "I do not know until I have investigated and considered."

The consequence of this circumspection on the part of Mr. McGeary was that his opinion when arrived at and announced was relied on implicitly by his clients. It was equally respected by his professional brethren

and was always weighed with seriousness by the court. He therefore had few occasions to reverse himself, few mistakes to correct, and few misgivings as to the out-working of his judgments.

It is not to be questioned that this conscientious regard that he might always be right was not the easy way to dispose of the day's work and discharge his professional obligations, but entailed much labor and expended much time and labor, and it earned him the reputation of a conscientious and hard working lawyer.

In the midst of his 32 years period of practice Mr. McGeary's vigorous frame succumbed to the burden of overwork. He sought and partially regained his health by a cessation from work and an extended trip to Europe, South America and elsewhere.

In 1903 on the death of Mr. Spiegel, Mr. McGeary formed a partnership with Rabe F. Marsh, Esq., which continued until Mr. McGeary's death.

In the later years of his life Mr. McGeary engaged but little in the trial of cases. This was partly on account of the strain it imposed upon his health and partly because his natural inclination was rather for the study than the forum.

Mr. McGeary did not actively engage in politics, and never held office although he was prominently mentioned on one occasion for election to the office of Common Pleas Judge. In politics he was a Republican. In religion he was United Presbyterian.

After long and patient suffering Mr. McGeary was finally compelled to abandon work, and he died on the 24th September, 1919, in the 60th year of his age.

JUDGE JOHN B. STEEL

John B. Steel was born in Salem township, Westmoreland county, Pa., on the 17th day of February, 1861, of Scotch-Irish parentage. He was educated in Geneva College, Beaver, Pa., from which he was graduated in 1885, he read law with Hon. Welty McCulloch and was admitted to the Westmoreland bar at August term, 1888.

Judge Steel came of a race of farmers and stockmen. From the immigrant Scotch ancestor of pre-Revolutionary days down through more than one and one-half centuries of the nation's history, the Steels have attached themselves to the land. Industrial and commercial enterprises surrounded them and yielded fortunes to others but they could not charm this pastoral people from their flocks and herds and the broad and fertile acres that yielded rich tribute to their skill as farmers. Mr. Steel's grandfather, the most acquisitive of all the race, was, at his death, able to bestow a fine farm upon each of his large family of sons.

Judge Steel was bred a farmer. He never ceased to be a farmer during his professional life, and at his death was one of the most extensive farmers of the county. He knew the quality of land, how to nourish it and how to make it yield its richest fruitage. But the law presented its appeal to him. The ancient county seat, the site of the first court house of the county, stood upon the land of his fathers, hard by the place of his birth. The pleas of litigants, the contentions of counsel, the authoritative voice of the judge had been silent there for more than one hundred years, but the

echoes from the old court house at Hannastown finally charmed the farmer boy into the forum.

After his admission to the bar Judge Steel entered into partnership with Welty McCullogh. This partnership continued until Mr. McCullogh's death in 1890. Later H. Clay Beistel became a partner. As a lawyer Judge Steel was methodical, diligent and successful. He was a good man of business and was consulted by clients having large business interests.

Judge Steel was Republican in politics, and from his admission to the bar took an active part in party management. In 1894 he was chairman of the Republican county committee, built up a strong organization and won his campaign. In 1895 Westmoreland county was given an additional law judge, and A. D. McConnell was appointed to this position by Governor D. H. Hastings. He was a candidate for the succeeding term. Judge Steel entered the lists for the nomination, which was made by the Republican County Committee. The contest was waged with the utmost vigor. It was very close, but Judge McConnell won the nomination and was elected at the succeeding election.

The Act of 1901 gave Westmoreland county a separate Orphans' court, and Judge Steel was appointed by Gov. William A. Stone to fill the position. He received the Republican nomination and was elected for the full term of 10 years, serving until January, 1912.

Prior to the establishment of the Separate Orphans' court the practice had been to refer all matters involving controversies and all estates for distribution to auditors. It became necessary to establish an en-

tirely new practice, as to trials of disputed matters, modelled somewhat on the practice of the Court of Common Pleas, with similar officers and with stated periods when the court would sit to perform its duties and to which process could be made returnable. This task of establishing the new practice and formulating new rules to regulate it was incumbent on the new judge, and he soon had the court functioning smoothly. The practice at the present time conforms to the procedure established by Judge Steel and his immediate successor, Judge Copeland.

Judge Steel was a martinet in requiring counsel to be prepared and ready for the prompt dispatch of business at the time appointed. He set the example himself by his prompt adjudication of all matters before him within the term, and he demanded the co-operation of counsel to the end that creditors, heirs and legatees receive their dues when due, that the same might not become lodged or dammed up by the dilatory proceedings of the counsel or the court.

Judge Steel was a good business man. He had the judgment to determine the possibilities of an enterprise, the foresight to determine when to project it, and the qualities for its successful management. He helped to organize the Westmoreland Savings and Trust Company, later merged with the Barclay Trust Company into Barclay-Westmoreland Trust Company, and the First National Bank of New Alexandria, both successful banking institutions. He bought, sold and leased coal lands at large profit, and at the time of his death was the owner of a large field of undeveloped Pittsburg coal in the state of Ohio. He was the possessor of an ample fortune at the time of his death.

The early training of Judge Steel was in the Reformed Presbyterian church, and he had a strong attachment to that repository of the faith of the Scotch Covenanters. He was in membership with the First Presbyterian church of Greensburg, at the time of his death.

The health of Judge Steel began to decline soon after he retired from the bench, and he died at his home in Greensburg on the 3rd day of October, 1920, in the 60th year of his age.

DAVID L. NEWILL, Esq.

David L. Newill was born in Mount Pleasant Township, Westmoreland County, Pa., on the 15th day of August, 1862, of English and Irish lineage. He was educated at Greensburg Seminary and Mount Pleasant College. He read law with W. H. Klingensmith, Esq., and was admitted to the Westmoreland Bar at August Term, 1888.

To the youth of energy and ambition life is big with purpose. Youth is the period when the structure of life is planned. If the structure is to bulk large, be perfect in proportions, be imposing in appearance and durable as time lapses, it is the boy that has the eye with vision and the hand of the architect that plans the structure. The man gathers the materials, fits the parts and builds what the boy has planned. It was so with Mr. Newill: the boy conceived the plans; the man built the structure.

After coming to the bar, Mr. Newill engaged in all lines of practice. He was a young man of steady industry and of regular habits. Few students of legal principles took the pains he did to acquire an exact knowledge of definitions. Few retained them as he did, letter-perfect, at the end of a long professional life. He knew the law. More than case-knowledge, he knew the reason and spirit—the philosophy of the law. His knowledge of basic principles, his quickness of perception, his even temper and his steady nerve made him a forceful trial lawyer as he displayed himself to be in the cases he tried early in his practice. But his bent and his business acumen inclined him toward the less stormy and more lucrative line of practice as the

business counsellor. He had a strongly developed aptitude for business that yielded him very substantial financial reward, and yet he cared less for money and its power to gratify, less for the Golden Fleece than for its quest and attainment.

Soon after admission to practice, Mr. Newill formed a partnership with James S. Beacom, Esq., afterwards to become Judge Beacom, which continued with mutual satisfaction and profit until Mr. Newill's death.

Other lines of activity that Mr. Newill followed were banking and farming. He helped to organize the Westmoreland Savings & Trust Company and served on its board and as its only president. On its merger with the Barclay Trust Co., as Barclay-Westmoreland Trust Company he served as its president until his death. He was also president of the First National bank of Youngwood, Pa., and a stockholder in several other financial institutions. His liking for country life, after a few years' residence in Greensburg, induced him to purchase a farm hard by the homestead where he was reared and to multiply his avocations, becoming a farmer, orchardist and stock raiser, employments attended with pleasure, if with little profit.

Mr. Newill was a man of kindly heart and genial temper. Nature had so mixed the elements in him that he could and did respond to all that was worthy, attractive and lovable in others. If any one needed counsel or financial aid, and was worthy of it, it gave him pleasure to meet the need and graciously bestow the help. He never fomented strife, but was a master at accommodating quarrels, settling difficulties and keeping peace between neighbors. With his brethren at the

bar and with other individuals in his professional and business contact, whether he were protagonist or antagonist, he emerged from the transaction retaining their respect and confidence. If he had an enemy at the bar, the knowledge of that enmity was locked in the breast of him who cherished it—a sentiment that never stalked in the light of day, and one that would receive no nurture from his brethren.

One of the marked characteristics of Mr. Newill was his ability to judge men. He knew human nature. He was astute in reading the character and motives of men. He could strip the robe from dishonesty, however cleverly it was disguised, and it is just to say that he was seldom the victim of deception, and yet he had a large trust in men. He dealt with them in large enterprises, some when they had slender financial resources, if their enterprises commended themselves to his judgment, and their character gave grip to his faith.

Mr. Newill was simple in his tastes and democratic in his manner of life. He cared nothing for ostentation. Large means which gave the power to gratify expensive tastes did not create them, or change the habits which a laborious, rugged, self-denying country upbringing gave to him.

While Mr. Newill was intensely matter of fact, there was enough of the poet and dreamer in him to lead him with delight and appreciation to take flight with Milton, Shakespeare, Pope, Burns and other poets who swept the chords that vibrated in his finer nature. He could repeat from memory pages of the lofty flights of Milton that described the moral and spiritual fall and regeneration of man, or Shake-

speare's delineation of human character, or Burns' appealing pastoral poem, "The Cotter's Saturday Night." The busy activities of his life did not prevent him from philosophic study of human destiny, for he was at home in the metaphysics of Plato, Hegel, Kant and others.

Mr. Newill had a quickness of perception and an accuracy and readiness of judgment that partook of intuition. These faculties, native to his mind, and sharpened by scholarship and reflection, enabled him to reach conclusions and express judgments that were as surprising in their quick maturity as in their accuracy. He was thorough in his mental processes. He thought through a proposition to the end. Because another had given sanction to a maxim or epigram was no conclusive reason with him for its adoption. It derived his sanction only after he had analyzed and approved it.

In his religious life Mr. Newill was an unquestioning believer in the essential principles of Christianity. He had his own views of church administration and philanthropy. They were the views of the business man who is not governed by sentimentalism or impractical idealism but by the principles of efficiency in management, making the dollar purchase its equivalent in the Kingdom of Grace, as well as in the Kingdom of Business.

Mr. Newill was a victim of Bright's disease. So insidious and painless was its approach that he was not conscious of its ravages until he was past cure. He died on the 5th day of July, 1921, in the 59th year of his life and the 33rd year of his practice.

MAJOR EDWARD B. McCORMICK

Edward Baker McCormick was born in 1862 at Irwin, Pa., of Scotch-Irish and Huguenot ancestry. He was educated at Washington and Jefferson College, from which he was graduated with honor in June, 1885. He read law with John F. Wentling and David A. Miller, Esquires, and was admitted to the Westmoreland bar on December 13th, 1889.

Every individual travels in an innumerable company along the common highway of life until a stage is reached where avenues radiate in many directions. To the individual of purpose that point presents the determining crisis of life. Which avenue shall he take? for

“Free in his will to choose or to refuse,
Man may improve the crisis, or abuse.”

Hitherto the journey has been devoted to acquisition. Experience has been gained, knowledge of men, how to approach and deal with them, had been acquired. Acquaintance with himself, his powers, capacities and endurance, has been gained. The survey of life’s possibilities and its attainable destinies had been made. He had submitted his faculties to the keen emery wheel of laborious educational processes. He is ready to choose. In serious, sober reflection, he invokes all the resources of his mind and soul to counsel him to a wise choice.

Natural endowments, education, predilection and family relationship were the fingerboards that directed Mr. McCormick’s footsteps into the pathway of the Law. He had a heritage of brains; he had a fine edu-

cation, acquired at a seat of learning that stood hard-by a temple of justice at whose altar a distinguished judge presided, and to which an able bar contributed their offerings. The wisdom of the law appealed to his understanding, and the daily administration of Justice as he observed it in his father's subordinate court, and, in a wider field by his two uncles who were attorneys, all inclined him to select the law as his vocation.

Mr. McCormick, like many of his family, taught for several years in the public schools of his native town. He is remembered as an instructor not only possessed of scholarship but of great aptness to teach. He was not bound by stereotyped methods but was original in his presentation of the lessons, adapting abstract principles of science to the comprehension of the pupil by concrete illustrations familiar to their experience. He sought to give his pupils a perspective reaching beyond the text books of the curriculum, and he incited them to those independent forays into literature that contributed so much to his own versatility.

Upon his entry upon the practice of the law Mr. McCormick immediately manifested his ability to meet the demands made upon a lawyer in every contingency of his profession. Associated with Wentling & Miller, who were in extensive practice, he at once began to meet and solve all sorts of legal problems and become acquainted with all forms of common law and equity pleadings. He was a fine linguist and had rare skill in the preparation of pleadings and the formulation of conclusions of law to be found by the court as chancellor or to be given in the charge to the jury. His

briefs of argument in his paper books in the appellate courts were models of chaste English and clear statement of legal principles. This facility of expression came to him not only from accurate scholarship but from his experience as a newspaper reporter, gained before he came to the bar. He could argue a case forcibly and convincingly to a jury, but his address was best adapted to the court on a question of law. The law to the court, rather than the facts to the jury, appealed to him because he was bringing to an intelligence as keen and comprehending as his own the results of his research and study.

In disposition Mr. McCormick was gentle and kindly, and was capable of strong and lasting friendships. He assumed no air of superiority over his brethren in the profession of his own age who were less capable and experienced than himself. If they had limitations, he did not sit in judgment to decree whether their limitations were attributable to their fault or their misfortune. While of equable temper, if he felt that he was being baited or badgered by his opponent without sufficient justification, he could wield the weapons of sarcasm and invective with a force that would penetrate the dullest consciousness, but couched in language that was not obnoxious to the censure of the court.

In 1891 Mr. McCormick enlisted in Company I, 10th Regiment of the National Guard of Pennsylvania. When the Spanish-American War ensued he had risen to the rank of captain on the staff of Col. Hawkins, and was with the regiment when it engaged in the battle of Malate, the first land conflict in the Philippine

Islands, on the 31st of July, 1897. On his return from the Philippines he re-enlisted in the National Guard, and was appointed as judge advocate of the Second Brigade, with the rank of major.

In politics Major McCormick was a Republican. He served two terms as chairman of the Republican county committee. In 1900 he was a candidate for State Senator but was defeated for the nomination by a narrow margin by Hon. Cyrus E. Woods, at present U. S. Ambassador to Japan. In religion Mr. McCormick was a member of the United Presbyterian church. He was the father of three children, the eldest son of whom, Edward B., Jr., enlisted in Battery B, 124th Field Artillery and served with his unit in the World War in France.

In 1905 Major McCormick was stricken with an incurable disease. With the hope of a cure he went to Cambridge Springs where he died on the 18th day of March, 1907, in the 46th year of his age.

ISRAEL E. LAUFFER, Esq.

Israel E. Lauffer was born in Franklin Township, Westmoreland County, Pa., on the 3rd day of January, 1860, of German parentage. He was educated at the New Salem Academy. He read law with Judge James A. Hunter and was admitted to the Westmoreland bar at August Term, 1885.

It is a grateful task to explore the springs of Mr. Lauffer's life. There was the spring of ambition, often tumultuous, overleaping, ruthless, devastating in reaching its objective. With Lauffer it was gentle but dynamic; quiet but persistent; unobtrusive but effective, steadily flowing onward to merge with the other affluents into the stream of a noble life. There was the spring of native ability, that encountered and solved the problems that faced his intellectual life. In splendid volume flowed the spring of moral and religious life. Uniting with these was the spring of human kinship that proclaimed, as it flowed, that he was friend and brother to everyone with whom his life came in touch.

Mr. Lauffer's boyhood days were days of struggle. Reared in the country and sprung from a race of farmers he seemed to be anchored to the land of his fathers; but he had a thirst for knowledge which impelled him to the companionship of books in the intervals of holding the plow. The nearest fountain of classic learning was four miles away. He trudged the way on foot until his course was finished. He became a teacher, first in the common schools, then principal of Ludwick borough, and lastly as an instructor in the

Greensburg Seminary. While thus employed he read law and thence entered the profession upon which his purpose had centered from boyhood.

Judge Hunter, his preceptor, said of him:

"He was a very faithful and industrious student, and seemed to drink in the law. Frequently I cautioned him not to overwork himself, but he became so wedded to his studies that a text book was never out of his hands while in the office. * * * He came to his preceptor quietly; he did his work quietly: he succeeded quietly: and quietly but with every promise of an enviable future he took his place among a class of men of this town whom it is far from easy to compete with. A young lawyer has far to travel before he can stand beside the best of his profession here."

After he came to the bar Mr. Lauffer did not have to go on the waiting list to obtain a large clientage. He fell immediately into a large practice, as if clients had held up their business until he had qualified to minister to them in the temple of justice. This anomalous situation demonstrated two things which were apparent to every one who knew Mr. Lauffer; first that he had an engaging personality that had attached to him a large circle of friends; second, that this ever widening circle had an abiding confidence that he had the learning and ability that would enable him to win.

Mr. Lauffer was a good lawyer and a successful practitioner. He had been a faithful student and had come to the bar with a competent knowledge of the law. He had a keen intelligence that illumined the subject before him as the sunbeam dispels the dark-

ness it penetrates. He had a matured judgment that seldom misled him, and he had a devotion to hard work that never slackened until the task was accomplished.

In politics Mr. Lauffer was a Democrat. In 1889 he received the nomination of the party for the office of District Attorney. With him on the ticket was Lucien W. Doty, Esq., candidate for President Judge, and Lucien Clawson, candidate for sheriff. It is doubtful whether the party ever presented a ticket that combined greater elements of strength. Each of them was widely known and popular. Each was a consummate politician. Although the Republican party had a considerable majority in the county these gentlemen were elected and carried the entire ticket with them.

Lauffer made an acceptable District Attorney. It was a delight to collaborate with him. He was the courteous foeman when in opposition. In memorializing Mr. Lauffer's death just as he completed his first year of official life Judge Doty said of him:

"While he occupied this quasi-judicial position we had every opportunity to observe his conduct, and while in some respects he was an incomprehensible and unique character, we believe we learned to know him well, and we are sure we appreciated his services. His mainspring of action was a desire to faithfully discharge the duties of his office. He was not mercenary, or he would have multiplied bills to increase the revenues of the office. He was faithful to the court and his client, and, withal, recognized the char-

acter and dignity of the office he held and refused to press for a conviction if, in his judgment, it was not fully justified by the evidence. He manifested ability and exhibited extraordinary energy and patience in the performance of the trying duties of his office. If he showed any weakness at all it proceeded from a naturally amiable disposition and kindness of heart. He died young but lived long enough to accomplish much good and give promise of still greater usefulness in the future."

Mr. Lauffer was a member of the Lutheran church. At the close of the November term of court he contracted a cold which developed into typhoid pneumonia from which he died on the 24th December, 1890, in the 31st year of his age and the 6th year of his practice.

GEORGE H. HUGUS, Esq.

George H. Hugus was born in the Borough of New Salem, Westmoreland County on the 5th day of February, 1855 of French-Huguenot and Dutch ancestry. He was educated at the New Salem Academy, the Indiana State Normal School and Franklin and Marshall College. He read law with Williams, Sloan & Griffith and was admitted to the Westmoreland bar at May Term 1894.

Mr. Hugus was born and reared under the shadow of New Salem Academy. This institution was a fountain of learning at which scholarly and able teachers had ministered for years, stimulating the thirst of aspiring youth and inviting them to come and drink. It was the ambition of the young to enter the Academy and go forth from its portals direct to the activities of life, or to higher seats of learning that could satisfy the wants which it had created and nourished.

The advent of Mr. Hugus to the bar was made in the mature years of his life. His earlier years and energies were associated with the school room. He taught in the country schools and afterwards became principal of the schools of his native town and the principal of its academy. Later he served for three years as principal of the Latrobe public schools. In 1884 he was elected county superintendent of schools and served in this capacity for three terms or nine years.

This position gave him the field of his greatest usefulness. His service as superintendent covered a period of the county's great industrial expansion.

From the time he commenced to teach until he closed his term as superintendent the schools of the county had more than doubled. The large boroughs had organized high schools and the teaching force in the graded schools was rapidly approaching the numbers employed in the ungraded schools. This evolution occurred during his superintendency, and received his very efficient and constructive service. Mr. Hugus was a superintendent of wide vision and great energy. He was popular with the teaching forces who followed his leadership with confidence and the schools of the county progressed to a high stage of efficiency.

On his admission to the bar Mr. Hugus soon acquired a respectable volume of practice. For a time he was in partnership with J. R. Silvis, Esq., and after this association was dissolved he became associated with his son Clarence L. Hugus, Esq., who is yet in active practice, and continued in that relationship more or less actively engaged, until falling health rendered him unable to continue. He was a capable and conscientious counsellor who had the full confidence of his clients. During his brief period of active practice he was not often engaged in the trial of cases, but when thus engaged he prepared and tried his cases with skill.

Mr. Hugus was a scion of the immigrant Huguenot ancestor who, more than 130 years ago, settled on the farm in Unity township which is still in possession and ownership of the Hugus family. It is one of the garden spots of the county, very productive and covers the basin of the Connellsville Coking Coal vein.

In politics Mr. Hugus was a Democrat. His family had furnished several incumbents of the county offices. True to his Huguenot antecedents he was a member of the Reformed church.

Mr. Hugus while apparently vigorous, was the prey of lurking disease and he died in St. Petersburg, Fla. on the 4th day of March, 1922, in the 68th year of his age.

EDWARD M. KENNEDY, ESQ.

Edward M. Kennedy was born on the 31st day of July, 1887, in Scottdale, Pa., of Irish parents. He was educated at St. Vincent's College and Notre Dame University. He took his law course at the University of Pennsylvania, and was admitted to the Westmoreland bar at August Term, 1912.

Mr. Kennedy was possessed of admirable traits of character. He was a devoted student of the law, and while not permitted to live until he attained that ripeness and maturity in the profession of which his talents, his industry and his learning gave promise, he was a capable, well equipped lawyer and was rapidly striding to the front in his profession. He had the rare quality of attracting enduring friendships, not alone with persons of his own age, but with his professional brethren of mature age. There was a youthful exuberance, an overflowing good nature, a spirit of fraternity and a kinship of interest with his fellows that emanated from him like sunshine, that made his presence grateful to those who came in touch with him.

When the call to arms came in the late war Mr. Kennedy promptly enlisted, but was not privileged to cross with the army. When he returned he resumed his practice. Mr. Kennedy was a devout member of the Roman Catholic church. He was a Democrat in politics. Like a bolt out of a clear sky his summons came, and he died on the 1st day of February, 1922.

HUGH W. WALKINSHAW, Esq.

Hugh W. Walkinshaw was born in Indiana County, Pa., on the 23rd day of July, 1850, of Scotch-Irish parents. He was educated in the common schools. He read law with Hon. George A. Jenks, and was admitted to the bar of Indiana County and in 1876 to the bar of Westmoreland County.

Mr. Walkinshaw spent the earlier years of his professional life at Saltsburg, Pa., a river town on the borders of Indiana and Westmoreland Counties. The line of work was limited to the demands of an agricultural community. It lacked the stimulus of conflict and associations of his kind. He moved to Greensburg in 1876, where he came into association with a bar that provided abundant opportunities for the giving and taking of hard knocks. He both gave and took his share as he grew into practice.

Mr. Walkinshaw devoted himself by choice largely to office practice, although he appeared on occasions in trial in all of the courts. He was methodical and attentive to business. He was intensely social and enjoyed the fellowship of his brethren of the bar. He was fond of out of doors and by choice made his home in the country for most of his life. If the bar had a pronounced sportsman, who could be lured at any time from the office to the woods, with dog at heel and gun on shoulder, it was Mr. Walkinshaw, and many were the tales of adventure with which he would regale his friends on his return.

In politics Mr. Walkinshaw was a Democrat, and could be relied on by the organization to sound the

party slogan in every campaign. In religion he was a devoted member of the Baptist church, liberal in its support and active in all its gracious ministries. He died suddenly while at work in his garden on the 19th day of June, 1920.

WILLIAM T. CLINE, Esq.

William T. Cline was born on the 24th day of July, 1853, in Indiana County, of German parentage. He was educated in Washington & Jefferson college, from which he was graduated in 1875. He read law with J. N. Banks, Esq., and was admitted to the bar of Indiana County. On the 2nd of November, 1885, he removed to Westmoreland county and was admitted to this bar.

Mr. Cline was quiet and unobtrusive in manner, modest, indeed, to a fault. He was a good lawyer, which became apparent to anyone who had business relations with him. It would never otherwise be known by his self-assertion. He could always be relied on to be prepared in court. He was studious and painstaking in preparation of pleadings and arguments. If his position were one of strength it was presented to the court with clearness and brevity. If it was untenable, he was too conscientious to maintain that it was otherwise. It was this frank and honest attitude that enabled the Court and his brethren to rest with implicit confidence in his sincerity. He attracted and held clients by the quality of the service he rendered.

Mr. Cline was a Democrat in politics and Presbyterian in belief.

He died after a lingering illness on the 6th day of October, 1917.

JAMES C. LAUFFER, Esq.

James C. Lauffer was born on the 10th day of November, 1873 in Allegheny Township, Westmoreland County, Pa., of German lineage. He was educated at Heidelberg University from which he was graduated in 1897. He studied law with Spiegel & McGahey and was admitted to the Westmoreland Bar on November 3, 1900.

Mr. Lauffer's professional life was marked by a steady industry and close attention to business. He enjoyed hard work. He cared little for the trial of cases but had a marked aptitude for business. He helped to organize and was on the directorate of the Merchants Trust Company of Greensburg. He was also connected with the Greensburg Realty Company.

Mr. Lauffer came of a race of people that were pioneers of Westmoreland County. They emigrated to America from the Palatinate on the Rhine. Christian Lauffer, the pioneer, arrived prior to 1774. They were a race of farmers. It is doubtful whether any progenitor has a greater number of descendants resident in Westmoreland county at the present time.

Mr. Lauffer was genial and companionable. He married Amanda Carpenter Sherrick in July, 1904. He was active in church and civic affairs. He was a member of the Reformed Church. He died after brief illness on the 27th day of January, 1913, in the 40th year of his age.

LUKE LONERGAN, Esq.

Luke Lonergan was born in Hempfield Township in July, 1858, of Irish parentage. He was educated in the common schools and at Notre Dame University. He read law with Hon. A. D. McConnell and was admitted to the Westmoreland Bar on the 7th day of May, 1894.

Mr. Lonergan came to the bar in his mature years and after he had married and environed himself with wife and children. He was diligent, studious and attentive to business. Honest and conscientious, he enjoyed the entire confidence of his clients. He was courteous and popular with his brethren at the bar. He was skilled as a surveyor and for a long period served on the County Board of Viewers. If he had a fad it was local history and he was a mine of information on the old families and old titles in his community.

Mr. Lonergan for most of his professional life suffered from an affliction of the lungs which ultimately caused his death. He was a Democrat in polities and a member of the Roman Catholic Church. He died on the 14th day of September, 1919.

JOHN C. ROBINSON, Esq.

John C. Robinson was born in Hempfield Township, Westmoreland County on the 17th December, 1859. He was educated in the common schools and at the California State Normal School. He read law with Hon. Lucien W. Doty and was admitted to the Bar on the 17th December, 1887.

Mr. Robinson was for a number of years successfully engaged in teaching in the common schools. Whether in this field of labor or in the practice of the law, he marshalled an energy, an intensity of purpose, and a conscientious regard for his work that individuated him as a model workman. He did his work under the handicap of a feeble body. The fever of hereditary disease was burning his life away, while a resistless will drove him to his daily tasks. It was a heroic but unequal struggle. He had established himself as a capable lawyer who had the confidence of his clients, the respect of the Court and the admiration of his brethren, when summoned by death on October 17, 1898. He was a Republican in politics and a member of the Methodist Episcopal church.

J. BEATTY OWENS, Esq.

J. Beatty Owens was born in the City of Pittsburgh, Pa., on the 8th day of August, 1862. He was educated at the Greensburg Seminary and Franklin and Marshall College. He read law at the University of Michigan and was admitted to the Westmoreland Bar at February Term, 1893.

Mr. Owens was born and reared in sight of the County seat. The most moving institution at the County seat is the Court. It was a stage that was always set. It never lacked in interesting plot or a cast of players. To the country boy the tragedies and comedies there enacted were sources of unending interest. To his unsophisticated and eager eye there was displayed life in its every aspect. There was born the desire to get on the stage and into the play and enjoy its thrills. It was so with this eager, thoughtful, ambitious young man. He accordingly shaped his course, submitted to its privations and was finally enrolled among the elect.

His experience was not unusual. He learned to labor and to wait. Clients came and he became immersed in practice. His success was assured when his health became broken. He labored on with an endurance that excited the wonder of his friends, but death came on the 15 April, 1910, in the 48th year of his age, and the 18th year of his practice.

WILLIAM L. ULERY

William L. Ulery was born at Greenville, Mercer County, Pa., October 4, 1871, of German parentage. He was educated at the Greensburg Seminary and at Gettysburg College from which he was graduated in 1892. He read law with Marchand & Gaither and was admitted to the Westmoreland Bar at May Term, 1895.

Mr. Ulery was a child of the manse. His father, Rev. William Ulery, was long an honored and useful minister of the Lutheran church. The boy was serious, sober minded and regarded and dealt with life as a man's job. He opened an office at Scottdale, Pa., where he continued to practice during his whole professional life. This absence from the county seat and consequent infrequent contact with his professional brethren has the advantage of making the practitioner self reliant and self sufficient, working out his problems himself without consulting the knowledge and experience of his brethren. The disadvantage is privation of fellowship and lack of contact with minds bent to the same purpose. Mr. Ulery in this environment developed into a capable, self-reliant lawyer who invited and enjoyed the respect and confidence of his brethren. With promise of a long life and with success crowning his labors he was suddenly cut down in the thirty-third year of his life and the ninth year of his practice. He was Lutheran in faith and a Republican in politics.

GEORGE B. SHAW, Esq.

George Benton Shaw was born in Washington Township, Westmoreland County, Pa., in 1863 of Scotch-Irish lineage. He was educated at Polk Run Classical Institute and the Greensburg Seminary. He read law with Atkinson & Peoples and was admitted to the Westmoreland Bar in 1892.

Mr. Shaw came of a sturdy race of people. Deep in the country and far removed from the distractions of a large town, there yet existed in his community the formative forces that build strong character. He was farmer-bred, a constructive force that levied contribution upon industry, ingenuity, patience, self-denial, perseverance,—the disciplinary forces essential to the development of a robust physical and moral life. There was a stalwart, undiluted type of Calvinistic theology proclaimed from the Church on the hill top hard by that ministered to the spiritual life of the youth. There was the Classical Institute upon the same hill top that presented the appeal and offered its ministry to the mental life of the student. The polities of the community was of that pronounced type that makes every party man an advocate who becomes more thoroughly converted to his principles the more he argues them. It was in such environment that Mr. Shaw had his nurture.

When he came to the Bar Mr. Shaw had a waiting list of clients, and he grew into practice rapidly. He enjoyed the preparation and trial of cases and was a skilled trial lawyer. Soon after coming to the Bar he entered into partnership with John C. Silsley, Esq.,

which continued as Shaw & Silsley during his whole professional life.

In 1915 Mr. Shaw was nominated by the Democratic party for Common Pleas Judge. Judge A. D. McConnell, a veteran, who had rendered two ten year terms of highly satisfactory service on the Bench was a candidate for re-election on the Republican ticket. The contest was waged during the period when the Judiciary was non-partisan and was intensely spirited. Judge McConnell was re-elected although his majority was 998, much below the normal Republican majority in the County.

Mr. Shaw was of engaging manners, popular among his brethren and had strong and enduring friendships. He was an active churchman, a member of and officer of the Presbyterian Church. He took a keen interest in politics and was a pillar of strength to the Democratic party. His health began to fail some years before his death and he died on the 7th day of May, 1919, at the age of fifty-six years.

CHARLES E. ALLSHOUSE, Esq.

Charles E. Allshouse was born in Greensburg of German parentage in 1860. He was educated in the common schools and at the Greensburg Seminary. He read law with Hon James S. Beacom and his brother E. E. Allshouse, Esq., and was admitted to the Westmoreland Bar in 1888.

Mr. Allshouse had been a school teacher in his younger years. Later he became infected with the oil fever and tried his hand in operations in the Pennsylvania oil fields. The business having failed to profit him and having lost its glamour, he turned his attention to the law.

After admission to practice he removed to Monessen. As the town expanded into a large industrial center, his business grew with it and he was engaged in a comfortable and profitable practice when his health failed. He came of a long lived family, but the rigors of a river atmosphere overcame his vitality and he died of tuberculosis on the 3rd day of December, 1904. He was of Lutheran persuasion and a Republican in politics.

OUR MARTYRS

in the

"PURPLE TESTAMENT OF BLOODY WAR"

RESOLUTIONS

ADOPTED BY WESTMORELAND LAW ASSOCIATION
at its annual meeting January 13, 1919,
in memory of
WILSON B. GAITHER

On the evening of November 14, 1918, three days after the Armistice between the United States and Germany had been signed, there came from the War Department to Paul H. Gaither, Esq., at Greensburg, a cable stating that his son Lieutenant Wilson Baughman Gaither, Coast Artillery Corps, had died in France of wounds received in action.

Lieutenant Gaither, son of Mr. and Mrs. Paul H. Gaither, was born at Greensburg, June 8, 1892. He received his elementary education in the Greensburg public schools and was graduated from the High School, class of 1911. In the fall of that year he entered Lafayette College, Easton, Pennsylvania, and was graduated from that institution in 1915.

After completing his college course Lieutenant Gaither was registered as a student with the law firm of Gaither & Whitten; and at the same time began a course in law in the University of Pittsburgh.

In August, 1917, having completed his second year in the law school he enlisted as a soldier of the United States and was sent to the Officers' Training camp at Fort Oglethorpe, from whence he was soon transferred to the Coast Artillery training corps at Fortress Monroe. The same industry and ability which Lieutenant Gaither exhibited in school, college and univer-

sity also distinguished him in the camp, thus winning for him a commission as First Lieutenant.

Late in November 1917, his corps received orders immediately to sail for France.

While on his way from Fortress Monroe to New York he visited his home at Greensburg for the last time. While there, December 1, 1917, clad in the uniform of his Country and in the presence of members of this bar, Lieutenant Gaither appeared before the Court and subscribed to the oath which every lawyer takes—to behave himself well with all good fidelity, as well to the court as to the client, and to delay no person's cause for lucre or malice.

As a student Lieutenant Gaither was a man of more than ordinary ability. In subjects in which he was deeply interested he ranked among the leaders of his class. He was fond of meditating upon those social and ethical questions which interest only those who have a broad vision of life. In the pursuit of his legal education he exhibited that intensity and thoroughness which are the essential attributes of the successful lawyer.

Though superbly equipped to pursue the arts of civil life, Lieutenant Gaither was quick to volunteer in the service of his Country. By nature he loved the paths of peace. He answered the call to arms, not to achieve military glory, but actuated only by a high sense of duty. But in the conflict he shrank from no danger. While flying over the enemy as an observer he was cool and daring, though his machine was sometimes riddled with bullets. While at the front, on the 12th of October, he was struck on the head by a shell

from an enemy gun and five days later he died as a result of this wound.

Lieutenant Gaither was a member of the First Presbyterian Church of Greensburg. He led a clean wholesome life and had the highest ideals and aspirations. He was unassuming and modest even to a fault; and yet when aroused by the call to arms, the resolute Huguenot blood which coursed through his veins came to the surface. It was aptly said by a fellow member of this bar—"how fitting, after all, it was that this genial, smiling Huguenot gentleman should have died gloriously for France."

When the aged pass away we are consoled with the thought that their work is finished. But when, as here, a youth endowed with rare attributes of body, mind and soul, is taken at the very threshold of a career of promise, we are prone to be cast down with a sense of the loss to society; and yet in offering up the Ancient Sacrifice, only the first of the flock—those without spot or blemish—were acceptable. And it may be fitting still that in laying this sacrifice upon the altar of freedom, it should be required that only America's best blood would be received.

Today Lieutenant Gaither sleeps at Deux Nouds close by the town of Beauzee, France, near the spot where he fell. Over his grave Old Glory languidly floats in the breeze. Its stripes of red remind us that our liberties were not achieved without the sacrifice of the shedding of blood; its stripes of white are emblematic of purity; and its stars in the field of blue point to the heavens above where God reigns over all the nations of the world.

Surely it can not be that the blood of our patriotic dead has been shed in vain. By means of this new sacrifice the flag of our Country has become the symbol of a deeper meaning. Its stripes of red are of a brighter crimson; its stripes of white are now snow-white; and its stars seem to twinkle from a sky of the deepest blue.

The members of Westmoreland Law Association extend to Mr. and Mrs. Gaither their heart-felt sympathy in this hour when the shadows envelop their home. Never again to hear the foot-fall of Wilson, will be their remaining sorrow. Always to remember him, as having died in France of wounds received in action, while battling for the freedom of the world, will be their sustaining pride.

CHARLES E. WHITTEN,
ALEX EICHER,
GLEN N. MACHESNEY,
Committee.

ADOPTED BY WESTMORELAND LAW ASSOCIATION
at its annual meeting January 13, 1919,
in memory of
ALBERT H. BELL, JR.

Albert Harvey Bell, Jr., was admitted to the practice of law in the courts of Westmoreland County on the 4th of December, 1917. At that time he was actually in the military service of his country and was wearing its uniform. On the 23rd of July, in the Second Battle of the Marne, near Mont St. Pere, he received the final summons and his body now lies there commingled with the mother earth, and over him wave the lilies of France.

He was born October 3, 1893, in a family, members of which have been active in the public affairs of this Commonwealth for almost a century. He attended the public schools and was graduated from the Greensburg High School in the Class of 1911. He entered Monmouth College, Monmouth, Illinois, in the fall of 1911, and was graduated in 1915 from that institution with high honors. In his junior year he was Editor in Chief of the "Ravellings", the student year book, and in his senior year was a member of the Intercollegiate Monmouth Debating Team. In the year 1915 he entered the Pittsburgh Law School and would have been graduated with the Class of 1918 had he not heard his country's call. Enlisting in the Second Student Officers' Training Corps, after three months training at Camp Warden McLean, Fort Oglethorpe, Georgia, he was commissioned a Second Lieutenant late in November, 1917, and was assigned to Co. "B", 4th U. S. Inf-

fantry, one of the oldest and most famous of the regular army regiments. In addition to his duties as platoon commander in his company he served as Battalion Judge Advocate during his stay at Newport News. He landed with his regiment in France on April 28th, 1918, and took part in the fighting at Hill 204 and, later, in the Second Battle of the Marne, which began on July 15th. He was killed by machine gun fire while gallantly leading his men in an effort on the part of the American Army to take Fere-en-Tardenois, the nerve center of the German defense in the Soissons-Reims Salient.

Lieutenant Bell had successfully passed the State Board Law Examination but he never actively practised law. He was the first member of the Westmoreland County Bar to fall in action in the World War.

Lieutenant Bell early displayed those qualities of heart and mind which gave promise of a great future in store for him, a future that would add distinction to a family already illustrious in the annals of our Commonwealth. He was a young man of fine spirit and clean life, justifying his family traditions of integrity and honor. Possessed of a splendid physique, which, coupled with a keen and analytical mind, he exhibited even in his youth, in the highest degree, the qualities essential to success in the legal profession.

WILLIAM S. RIAL,
ALEX McCONNELL,
SAMUEL M. ANKNEY,
Committee.

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